

**EXHIBIT “B” (1 of 2)**

1  
2 UNITED STATES DISTRICT  
3 SOUTHERN DISTRICT OF NEW YORK

4 DONNY A. SINKOV, as Father and  
5 Potential Personal Representative of  
6 SPENCER SINKOV, deceased, and the  
7 Estate of Spencer E. Sinkov, deceased,

8 Plaintiffs,

9 -against-

10 DONALD B. SMITH, individually and in  
11 his official capacity as Sheriff of  
12 Putnam County, JOSEPH A. VASATHAK,  
13 individually, LOUIS G. LAPOLLA,  
14 individually, THE COUNTY OF PUTNAM,  
15 New York, and AMERICOR, INC.,

16 Defendants.

17  
18 222 Bloomingdale Road  
19 White Plains, New York  
20 January 17, 2008  
21 12:15 a.m.

22 EXAMINATION BEFORE TRIAL of KEVIN DUFFY, a  
23 witness on behalf of the Defendant AMERICOR, INC.,  
24 in the above-captioned matter, held at the above  
25 time and place, before a Notary Public of the  
State of New York.

Donna Bochnik,  
Shorthand Reporter

COMPU-TRAN SHORTHAND REPORTING

1  
2 APPEARANCES:

3  
4 LOVETT & GOULD

5 Attorneys for Plaintiff  
6 222 Bloomingdale Road  
7 White Plains, New York 10601  
8 BY: KIM BERG, ESQ.

9 MIRANDA SOKOLOFF SAMBURSKY SLONE

10 VERVENICTIS, LLP  
11 Attorneys for Defendant -  
12 Donald Smith  
13 240 Mineola Boulevard  
14 Mineola, New York 11501  
15 BY: ADAM I. KLEINBERG, ESQ.

16 SANTANGELO, RANDAZZO & MANGONE, LLP

17 Attorneys for Defendants -  
18 Joseph A. Vasathak,  
19 Louis G. LaPolla and  
20 The County Of Putnam  
21 151 Broadway  
22 Hawthorne, New York 10532  
23 BY: VINCENT GELARDI, ESQ., of Counsel

24 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER

25 Attorneys for Defendant -  
Americor, Inc.  
Three Gannett Drive  
White Plains, New York 10504  
BY: TIMOTHY P. COON, ESQ.

ALSO PRESENT: Donny A. Sinkov  
Donald Smith  
oGa

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1  
2 IT IS HEREBY STIPULATED AND AGREED,  
3 by and between the attorneys for the respective  
4 parties hereto, that the sealing and filing of  
5 the within deposition be waived; that such  
6 deposition may be signed and sworn to before any  
7 officer authorized to administer an oath with  
8 the same force and effect as if signed and sworn  
9 to before a Justice of this Court.

10  
11  
12 IT IS FURTHER STIPULATED AND AGREED  
13 that all objections, except as to form, are  
14 reserved to the time of trial.

15  
16  
17 IT IS FURTHER STIPULATED AND AGREED  
18 that the within examination and any corrections  
19 thereto may be signed before any Notary Public  
20 with the same force and effect as if signed and  
21 sworn to before this Court.

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1  
2 KEVIN DUFFY,

3 Having been duly sworn by Donna Bochnik,  
4 a Notary Public within and for the State  
5 of New York, was examined and testified  
6 as follows:

7  
8 oGa

9  
10 EXAMINATION BY MS. BERG:

11 Q. State your name and business address  
12 for the record, please.

13 A. Kevin Duffy, 3105 Videre Drive,  
14 V-i-d-e-r-e, Wilmington, Delaware, 19808.

15 Q. Mr. Duffy, I'm Kim Berg. I  
16 represent the Sinkovs in connection with the  
17 lawsuit that they've brought against Americor, as  
18 well as others.

19 I'm going to be asking you some  
20 questions here today. What I want you to do is  
21 let me know if there's anything I say that you  
22 don't understand. If you give an answer to a  
23 question, I ask that you verbalize your response.  
24 If any answer that you give during the course of  
25 the deposition is either incorrect or incomplete -

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5

**Kevin Duffy**

perhaps you remember something as we proceed - please interrupt me at any point and certainly, before you leave, so that we can make sure we have a correct and accurate transcript prior to the conclusion of the deposition today.

Do you understand all of that?

**A. Yes.**

**Q.** Can you describe for me your educational background.

**A. I have a bachelor of science degree in nursing from the University of Pennsylvania, and I have a master's in business administration and a master's in health administration from Eastern University.**

**Q.** Which degree did you receive most recently?

**A. The MBA/MHA.**

**Q.** And that was a combined degree?

**A. Yes.**

**Q.** And when did you receive that?

**A. 2003, I believe.**

**Q.** And are you currently employed?

**A. Yes.**

**Q.** In what capacity?

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7

**Kevin Duffy**

**Q.** And in terms of its official name, is it known as AmeriCor Corporation, or something else?

**A. AmeriCor, Inc.**

**Q.** Is AmeriCor, Inc. registered to do business anywhere?

**A. It's a Delaware corporation.**

**Q.** Okay. Is it registered, though, to do business in any other jurisdictions, including New York?

**A. I'm not sure what you mean by "registered."**

**Q.** Well, have you ever, in connection with any New York activities, notified the Department of State, specifically the corporations division, of the fact that you're doing business in New York?

**A. We have a tax ID in New York, if that's what you're asking.**

**Q.** But you never actually registered with the State of New York, in terms of receiving any kind of a certificate or otherwise, to do business in New York State?

**A. Not that I recall.**

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8

**Kevin Duffy**

**A. I'm the president of AmeriCor.**

**Q.** What is AmeriCor?

**A. It's a health-care company that provides services in small, county jails.**

**Q.** Do you focus the nature of that business in any jurisdiction, state, county? Anything in particular?

**A. Generally, we look for New York, New Jersey, and Pennsylvania.**

**Q.** Is it a corporation?

**A. It is.**

**Q.** Are there any other officers?

**A. No.**

**Q.** How many employees does AmeriCor currently have?

**A. Approximately, 14.**

**Q.** And for how long has AmeriCor been in that business?

**A. Since 2003.**

**Q.** Was it a newly formed corporation at that time?

**A. Yes.**

**Q.** And it's spelled A-m-e-r-i-c-o-r?

**A. Yes.**

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**Kevin Duffy**

**Q.** Currently, what jurisdictions is AmeriCor providing health-care services in?

**A. Putnam County.**

**Q.** Any others?

**A. No.**

**Q.** And it would be the Putnam County Correctional Facility?

**A. Well, the contract is with the County of Putnam. The services are provided at the Putnam County Correctional Facility.**

**Q.** What is the business address for AmeriCor, Inc.?

**A. 3105 Videre Drive, Wilmington, Delaware.**

**Q.** Is that office location staffed?

**A. By me.**

**Q.** Anybody else?

**A. No.**

**Q.** Since the inception of AmeriCor, other than Putnam County, has AmeriCor provided health-care services to any other jurisdictions?

**A. No.**

**Q.** When you indicated that AmeriCor has 14 employees, did you include yourself in that

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**Kevin Duffy**

1  
2 total?  
3 **A. No.**  
4 **Q.** What are the positions of these 14  
5 employees?  
6 **A. They are registered nurses, and a**  
7 **clerk, and a mental-health worker.**  
8 **Q.** Physically, where do these 14  
9 employees go to perform services for AmeriCor?  
10 **A. At the Putnam County Correctional**  
11 **Facility.**  
12 **Q.** What are the responsibilities of the  
13 clerk?  
14 **A. She answers the phone, does filing,**  
15 **orders supplies.**  
16 **Q.** For how long has AmeriCor employed a  
17 clerk at the Putnam County Correctional Facility?  
18 **A. Since 2003.**  
19 **Q.** And what hours, or hours per week,  
20 does the clerk work?  
21 **A. It's a 20-hour-a-week position.**  
22 **Q.** How many of the 14 employees are  
23 registered nurses?  
24 **A. Everyone except the mental-health**  
25 **worker and the clerk.**

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**Kevin Duffy**

1  
2 **Q.** So, 12?  
3 **A. Approximately.**  
4 **Q.** And in terms of the hours for those  
5 nurses, do they rotate shifts, or are they  
6 assigned to set shifts?  
7 **A. There are several that work pretty**  
8 **much assigned shifts, but they are -- the**  
9 **positions are such that they can work any of**  
10 **them.**  
11 **Q.** What are the shifts that the  
12 AmeriCor employees work? Do they mirror the  
13 shifts of the correction officers, or are they  
14 different?  
15 **A. I don't know that they mirror the**  
16 **correctional officers, but the shifts generally**  
17 **run from 7:30 to 4:00, 3:30 to midnight, and**  
18 **11:30 to 8:00.**  
19 **Q.** And who's the mental health-care  
20 professional?  
21 **A. By name?**  
22 **Q. Yes.**  
23 **A. Currently, it's Eugene McQuillen,**  
24 **M-c-q-u-i-l-l-e-n.**  
25 **Q.** How long has Mr. McQuillen worked

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**Kevin Duffy**

1  
2 for AmeriCor?  
3 **A. Approximately, 14, 15 months.**  
4 **Q.** Do you have any understanding as to  
5 his hours of work at the facility?  
6 **A. He was assigned to work 12 hours a**  
7 **week.**  
8 **Q.** In addition to that, is he on call  
9 at all?  
10 **A. Technically, he is not on call, but**  
11 **he does come back to the facility when we need**  
12 **him.**  
13 **Q.** Does he hold any licenses, as far as  
14 you know?  
15 **A. He is a licensed clinical social**  
16 **worker, I believe.**  
17 **Q.** Each of the registered nurses, do  
18 they work a set number of hours per week, or does  
19 it vary?  
20 **A. There are a couple of full-time, and**  
21 **the others work a per-diem basis.**  
22 **Q.** When you say "full-time," what does  
23 that mean in terms of weekly hours?  
24 **A. Forty.**  
25 **Q.** Are each of the 14 employees actual

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**Kevin Duffy**

1  
2 employees of the company? Are they considered to  
3 be independent contractors?  
4 **A. No; they're all employees.**  
5 **Q.** How was it that AmeriCor came to  
6 provide services for the County of Putnam in or  
7 about 2003?  
8 **A. The county issued a request for**  
9 **proposals, and the company responded.**  
10 **Q.** How did you find out about the  
11 request for proposals?  
12 **A. I don't recall specifically.**  
13 **Q.** Prior to coming to learn about the  
14 request for a proposal, did you have any contact  
15 with anybody in the county or in the facility?  
16 **A. Not that I recall.**  
17 **Q.** When you received the request for a  
18 proposal, did you reach out to anyone?  
19 **A. Reach out?**  
20 **Q. Yes; speak to anyone.**  
21 **A. There was a bidders' conference that**  
22 **I attended.**  
23 **Q.** Where was that held?  
24 **A. At the facility.**  
25 **Q.** Were other bidders present?

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13

1 Kevin Duffy  
 00:07:58 2 A. Yes.  
 00:08:52 3 Q. Do you recall how many?  
 10 4 A. No.  
 10 5 Q. Prior to attending the bidders' conference, did you have any conversations with anybody from the county or the Sheriff's Department?  
 00:10:10 6  
 00:10:12 7  
 00:10:16 8  
 00:10:18 9 A. Not that I recall.  
 00:10:17 10 Q. AmeriCor submitted a proposal?  
 00:10:23 11 A. I'm sorry?  
 00:10:26 12 Q. Did AmeriCor submit a proposal --  
 00:10:33 13 A. Yes.  
 00:10:34 14 Q. -- in response to the RFP?  
 00:10:35 15 A. Yes.  
 00:10:36 16 Q. And did there come a point in time when you were notified that the county selected AmeriCor to provide services for the facility?  
 00:10:41 18  
 00:10:43 19 A. Yes.  
 00:10:43 20 Q. Do you recall who notified you of that?  
 00:10:44 21  
 00:10:45 22 A. No.  
 00:10:45 23 Q. And at that point in time, did you enter into a contract?  
 00:10:48 24  
 00:10:50 25 A. Yes.

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1 Kevin Duffy  
 00:10:50 2 Q. Do you remember when the contract began?  
 00:10:52 3  
 00:10:53 4 A. It was effective July 1, 2003, as I recall.  
 00:11:02 5  
 00:11:03 6 Q. And who signed off on the contract?  
 00:11:06 7 A. I don't recall specifically. The contract has five or six signatures on it.  
 00:11:08 8  
 00:11:10 9 Q. On behalf of AmeriCor, did you sign?  
 00:11:12 10 A. Yes.  
 00:11:12 11 Q. Do you recall who signed on behalf of the county?  
 00:11:14 12  
 00:11:15 13 A. No.  
 00:11:16 14 Q. Do you recall if the sheriff, himself, signed?  
 00:11:17 15  
 00:11:18 16 A. No.  
 00:11:19 17 Q. What was the term of the contract, if any?  
 00:11:20 18  
 00:11:25 19 A. I'm not sure whether the first contract was for six months or a year.  
 00:11:32 20  
 00:11:33 21 Q. Has AmeriCor continuously provided services to the Putnam County Correctional Facility since July 1, '03?  
 00:11:35 22  
 00:11:36 23 A. Yes.  
 00:11:36 24  
 00:11:36 25 Q. And did there come a point in time

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1 Kevin Duffy  
 00:11:37 2 when a contract was subsequently renewed after the first six months or one year?  
 00:12:01 3  
 00:12:03 4 A. Yes.  
 00:12:03 5 Q. Do you recall when that was?  
 00:12:05 6 A. Annually.  
 00:12:07 7 Q. Each year, AmeriCor and the county enter into an agreement?  
 00:12:12 8  
 00:12:14 9 A. Yes.  
 00:12:14 10 Q. Have there been any substantial changes with respect to the contract, other than payment for services?  
 00:12:17 11  
 00:12:20 12  
 00:12:22 13 A. There have been amendments over time. The one I recall was for mental-health services.  
 00:12:23 14  
 00:12:25 15  
 00:12:26 16 Q. Do you recall which contract that amendment took place in?  
 00:12:34 17  
 00:12:37 18 A. Not specifically. It was a couple of years ago.  
 00:12:39 19  
 00:12:40 20 Q. And what did it provide in terms of changing what was existing and what you were now entering into?  
 00:12:42 21  
 00:12:43 22  
 00:12:45 23 A. Up until that point, AmeriCor had not been responsible for mental-health services. After the amendment, we provided a psychiatrist,  
 00:12:51 25

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16

1 Kevin Duffy  
 00:12:58 2 a mental-health worker, and we provided the psychotropic medications.  
 00:13:02 3  
 00:13:04 4 Q. And does that remain true to today?  
 00:13:07 5 A. Yes.  
 00:13:07 6 Q. And is there a psychiatrist, then, currently on staff?  
 00:13:10 7  
 00:13:12 8 A. Yes.  
 00:13:12 9 Q. Who is that?  
 00:13:13 10 A. Dr. Asif, A-s-i-f.  
 00:13:17 11 Q. Is he an employee of AmeriCor?  
 00:13:23 12 A. He's a subcontractor.  
 00:13:25 13 Q. Do you know where his principal place of business is?  
 00:13:27 14  
 00:13:29 15 A. I don't recall specifically off the top of my head, no.  
 00:13:32 16  
 00:13:33 17 Q. Other than Dr. Asif, have there ever been any other psychiatrists that AmeriCor has subcontracted with, or actually employed, for providing mental-health services at the Putnam County Correctional Facility?  
 00:13:42 21  
 00:13:44 22 A. Not that I recall.  
 00:13:45 23 Q. Do you know Dr. Asif's first name?  
 00:13:54 24 A. Hasan, H-a-s-a-n.  
 00:13:57 25 Q. And how was it that you came to

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1 Kevin Duffy.  
 00:13:59 2 subcontract with him, specifically?  
 00:14:01 3 A. We were recruiting for psychiatrists,  
 00:14:03 4 and he responded.  
 00:14:05 5 Q. Did anybody else respond?  
 00:14:12 6 A. I don't recall specifically.  
 00:14:14 7 Q. When you say "we were recruiting,"  
 00:14:16 8 who do you mean?  
 00:14:18 9 A. AmeriCor.  
 00:14:19 10 Q. Other than yourself, did anybody  
 00:14:21 11 partake in the recruiting activities?  
 00:14:24 12 A. I'm sure that the health-services  
 00:14:26 13 administrator at the time would have been  
 00:14:28 14 involved.  
 00:14:31 15 Q. And who was that?  
 00:14:33 16 A. Probably Richard DiMattio. Capital  
 00:14:35 17 D-i, capital M-a-t-t-i-o.  
 00:14:37 18 Q. Who currently, if anyone, is the  
 00:14:39 19 health-services administrator?  
 00:14:41 20 A. The current health-services  
 00:14:43 21 administrator is Marlene McKenna, M-c-K-e-n-n-a.  
 00:14:45 22 Q. And for how long has she held that  
 00:14:47 23 position?  
 00:14:49 24 A. She was just recently promoted this  
 00:14:51 25 month, as a matter of fact. Well, the end of

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18

1 Kevin Duffy  
 00:15:02 2 December.  
 00:15:04 3 Q. And prior to that, was it  
 00:15:06 4 Mr. DiMattio?  
 00:15:08 5 A. Yes.  
 00:15:10 6 Q. And with respect to the 14 employees  
 00:15:12 7 that you talked about earlier, was the health-  
 00:15:14 8 services administrator included in that group?  
 00:15:16 9 A. Yes.  
 00:15:18 10 Q. So, the health-services administrator  
 00:15:20 11 is also a registered nurse?  
 00:15:22 12 A. Yes.  
 00:15:24 13 Q. What are the responsibilities of the  
 00:15:26 14 health-services administrator at the Putnam  
 00:15:28 15 County Correctional Facility?  
 00:15:30 16 A. The administrator works as the --  
 00:15:32 17 primarily, as the day shift R.N. and is also  
 00:15:34 18 responsible for scheduling and handling payroll  
 00:15:36 19 and approving supply orders. General site-  
 00:15:38 20 management duties.  
 00:15:40 21 Q. Do each of the registered nurses  
 00:15:42 22 report to the health-services administrator in  
 00:15:44 23 terms of supervisory responsibility?  
 00:15:46 24 A. Yes.  
 00:15:48 25 Q. Are there any other different levels

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1 Kevin Duffy  
 00:15:19 2 in terms of the registered nurses, other than  
 00:15:21 3 health-services administrator at the top, and  
 00:15:23 4 then all of the rest below him or her?  
 00:15:25 5 A. No.  
 00:15:27 6 Q. Does the clerk report to anyone?  
 00:15:29 7 A. The health-services administrator.  
 00:15:31 8 Q. And how about Mr. McQuillen?  
 00:15:33 9 A. The same.  
 00:15:35 10 Q. Prior to Mr. McQuillen, did the  
 00:15:37 11 company, AmeriCor, have any other mental health-  
 00:15:39 12 care professionals on staff?  
 00:15:41 13 A. Yes.  
 00:15:43 14 Q. Who?  
 00:15:45 15 A. Catherine Williams was one.  
 00:15:47 16 Q. Was she in the same position?  
 00:15:49 17 A. Yes.  
 00:15:51 18 Q. Anybody else?  
 00:15:53 19 A. There were several that filled in  
 00:15:55 20 for short periods. I don't remember all of their  
 00:15:57 21 names.  
 00:15:59 22 Q. Does AmeriCor employ any physicians?  
 00:16:01 23 A. I'm sorry?  
 00:16:03 24 Q. Does AmeriCor employ any physicians?  
 00:16:05 25 A. We have a physician as a

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20

1 Kevin Duffy  
 00:16:07 2 subcontractor, yes.  
 00:16:09 3 Q. And who is that?  
 00:16:11 4 A. I'm sorry; I'm drawing a blank.  
 00:16:13 5 Dr. Michael Nesheiwat, N-e-s-h-e-i-w-a-t.  
 00:16:15 6 Q. And for how long has Dr. Nesheiwat  
 00:16:17 7 been a subcontractor of AmeriCor?  
 00:16:19 8 A. Since July of 2003.  
 00:16:21 9 Q. Did you know Dr. Nesheiwat at any  
 00:16:23 10 time prior to that?  
 00:16:25 11 A. No.  
 00:16:27 12 Q. What are Dr. Nesheiwat's  
 00:16:29 13 responsibilities?  
 00:16:31 14 A. He sees patients, reviews documents,  
 00:16:33 15 orders medications. General medical duties.  
 00:16:35 16 Q. Do you have any regular interactions  
 00:16:37 17 with him?  
 00:16:39 18 A. Yes.  
 00:16:41 19 Q. How often?  
 00:16:43 20 A. We talk periodically; I would  
 00:16:45 21 estimate, once a month.  
 00:16:47 22 Q. And what -- in terms of substance,  
 00:16:49 23 subject matters, what types of things do you  
 00:16:51 24 confer with him about?  
 00:16:53 25 A. The discussions would probably be

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**Kevin Duffy**

1  
00:19:04 2 either system-based or patient-based. For  
00:19:07 3 instance, when the facility was accredited by the  
00:19:10 4 National Commission, there were discussions with  
00:19:13 5 him on those.  
00:19:15 6 Q. When did that accreditation happen?  
00:19:20 7 A. I believe it was 2006.  
00:19:21 8 Q. And what does it mean to be  
00:19:33 9 accredited?  
00:19:34 10 A. Well, the National Commission on  
00:19:39 11 Correctional Health Care is a independent,  
00:19:42 12 nonprofit, Chicago-based agency that publishes a  
00:19:43 13 set of standards that governs pretty much all  
00:19:52 14 aspects of the health-care services provided in  
00:19:56 15 correctional facilities. And a facility that  
00:20:00 16 meets those standards, then is accredited.  
00:20:00 17 Q. What, if any, benefit does the  
00:20:13 18 facility have that is accredited by that  
00:20:17 19 nonprofit company?  
00:20:18 20 A. Well, it indicates that the facility  
00:20:20 21 meets national standards.  
00:20:25 22 Q. In terms of Dr. Nesheiwat, do you  
00:20:30 23 know how often he physically goes to the  
00:20:34 24 Putnam County Correctional Facility?  
00:20:35 25 A. Once or twice a week.

COMPU-TRAN SHORTHAND REPORTING

**Kevin Duffy**

1  
00:20:47 2 Q. Do you know for how many hours in  
00:20:49 3 total?  
00:20:49 4 A. It varies.  
00:20:50 5 Q. What is the range?  
00:20:52 6 A. Two to four hours.  
00:20:55 7 Q. And how does he know which patients  
00:20:57 8 or inmates need to be seen?  
00:21:00 9 A. There's generally a list prepared  
00:21:03 10 for him by the nurses that would include patients  
00:21:07 11 that they believe that he needs to see, and the  
00:21:12 12 list would also include any patients that he  
00:21:16 13 asked to see as a matter of follow up.  
00:21:16 14 Q. And Dr. Asif, in terms of weekly  
00:21:25 15 hours, how much time does he spend at the facility?  
00:21:28 16 A. He comes in once a week for  
00:21:30 17 approximately two hours.  
00:21:33 18 Q. And does he also see inmates?  
00:21:37 19 A. Yes.  
00:21:38 20 Q. And do you know if it's the same  
00:21:39 21 system - there's a list prepared for him?  
00:21:42 22 A. Yes.  
00:21:45 23 Q. What role, if any, do you have in  
00:21:46 24 the day-to-day operations of the Putnam County  
00:21:50 25 Correctional Facility?

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**Kevin Duffy**

1  
00:21:53 2 A. None.  
00:21:54 3 Q. Is the health-services administrator  
00:21:57 4 the point person at the facility?  
00:21:58 5 A. Yes.  
00:22:00 6 Q. Do you have any regular communications  
00:22:04 7 with the health-services administrator?  
00:22:08 8 A. Yes.  
00:22:09 9 Q. What are the nature of those  
00:22:09 10 communications?  
00:22:09 11 A. They could cover almost anything.  
00:22:14 12 Q. How often do you communicate?  
00:22:18 13 A. It varies. It can be daily to  
00:22:20 14 weekly.  
00:22:22 15 Q. Is the health-services administrator  
00:22:26 16 required to report to you on any periodic basis?  
00:22:32 17 A. No.  
00:22:34 18 Q. For example, provide you with any  
00:22:36 19 kind of summaries; you know, weekly or monthly or  
00:22:40 20 annually, or anything along those lines?  
00:22:44 21 A. Well, the administrator would  
00:22:46 22 provide the monthly statistical report.  
00:22:52 23 Q. What's contained in that?  
00:22:54 24 A. It shows how many inmates are in the  
00:22:56 25 facility and how many were seen by the nurses and

COMPU-TRAN SHORTHAND REPORTING

**Kevin Duffy**

1  
00:23:00 2 the doctors. How many people were sent out to  
00:23:05 3 the emergency room. Those sorts of things.  
00:23:08 4 Q. How many inmates does the Putnam  
00:23:12 5 County Correctional Facility have, if you know?  
00:23:12 6 A. It varies. Recently, it's averaged  
00:23:15 7 about 105.  
00:23:18 8 Q. And in terms of the shifts, you  
00:23:23 9 know, in terms of AmeriCor's nursing staff, is  
00:23:27 10 there one or more than one nurse per shift?  
00:23:29 11 A. There's one nurse per shift.  
00:23:32 12 Q. And is there a nurse at the facility  
00:23:36 13 24 hours a day, seven days a week?  
00:23:38 14 A. Yes.  
00:23:39 15 Q. What are the job duties and  
00:23:43 16 responsibilities of the nurses?  
00:23:45 17 A. The nurses screen inmates for sick  
00:23:50 18 call. They respond to emergencies. They pass  
00:23:50 19 medications. General nursing duties.  
00:23:52 20 Q. Any other duties?  
00:24:05 21 A. They're just general nursing duties.  
00:24:08 22 They respond to medical situations as they arise.  
00:24:13 23 Q. And in terms of the nurses on staff  
00:24:16 24 at the facility, do you know if they have any  
00:24:18 25 role in the intake of new inmates?

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy,  
 00:04:22 2 A. Yes.  
 00:04:22 3 Q. What is their role?  
 00:04:22 4 A. They see or review cases of inmates  
 00:04:22 5 that are brought into the facility.  
 00:04:22 6 Q. You said, "see or review." Is it  
 00:04:22 7 one or both?  
 00:04:22 8 A. It can be one or the other, or both.  
 00:04:22 9 Q. Are there any requirements in terms  
 00:04:22 10 of AmeriCor policies or procedures setting forth  
 00:04:22 11 any time frame within which the nurses either  
 00:04:22 12 have to see or review an incoming inmate?  
 00:04:22 13 A. Four hours from the time the inmate  
 00:04:22 14 is booked into the facility.  
 00:04:22 15 Q. Is that a written policy?  
 00:04:22 16 A. I believe it is, yes.  
 00:04:22 17 Q. Do you know where it's contained?  
 00:04:22 18 A. Probably under the policies that  
 00:04:22 19 address receiving screenings.  
 00:04:22 20 Q. Does AmeriCor issue written policies  
 00:04:22 21 to its employees?  
 00:04:22 22 A. Yes, there's a policy manual.  
 00:04:22 23 Q. And in terms of the policy manual,  
 00:04:22 24 is it specific to the Putnam County Correctional  
 00:04:22 25 Facility?

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 00:25:24 2 A. Yes.  
 00:25:24 3 Q. And since AmeriCor has come into the  
 00:25:24 4 facility in July of 2003, has there been more  
 00:25:24 5 than one policy manual issued? And by that I  
 00:25:24 6 mean, versions of policy manuals.  
 00:25:24 7 A. There is a single policy manual, and  
 00:25:24 8 it is reviewed and revised as necessary.  
 00:25:24 9 Q. Do you recall if any revisions have  
 00:25:24 10 been made since July of 2003 to that policy  
 00:25:24 11 manual?  
 00:25:24 12 A. Yes.  
 00:25:24 13 Q. Do you recall anything about the  
 00:25:24 14 nature of those revisions?  
 00:25:24 15 A. No.  
 00:25:24 16 Q. Who made the revisions?  
 00:25:24 17 A. I do.  
 00:25:24 18 Q. Do you recall anything that prompted  
 00:25:24 19 you to make the revisions?  
 00:25:24 20 A. Well, generally, they're reviewed  
 00:25:24 21 once a year, per the standards, National  
 00:25:24 22 Commission standards, and then on an as-needed  
 00:25:24 23 basis if something changes within the facility.  
 00:25:24 24 Q. In terms of the single policy manual,  
 00:25:24 25 when it was initially drafted, did you do that,

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 00:26:44 2 or did somebody else?  
 00:26:44 3 A. I'm sorry; the question, again?  
 00:26:44 4 Q. The original policy manual, before  
 00:26:44 5 any amendments or revisions were made, did you  
 00:26:44 6 draft that?  
 00:26:44 7 A. Yes.  
 00:26:44 8 Q. Did anybody assist you?  
 00:26:44 9 A. It would have gone through the  
 00:26:44 10 health-services administrator for suggestions,  
 00:26:44 11 corrections, editing. That kind of stuff.  
 00:26:44 12 Q. Who was that at the time?  
 00:26:44 13 A. Michelle Murnane, M-U-R-N-A-N-E.  
 00:26:44 14 Q. And do you recall when she left the  
 00:26:44 15 facility of AmeriCor?  
 00:26:44 16 A. She left in 2004.  
 00:26:44 17 Q. Do you recall the circumstances of  
 00:26:44 18 her leaving?  
 00:26:44 19 A. Yes.  
 00:26:44 20 Q. What were they?  
 00:26:44 21 A. I don't want to not answer your  
 00:26:44 22 question, but there are legal considerations that  
 00:26:44 23 I want to talk about before I answer that.  
 00:26:44 24 MS. BERG: Okay. Do you  
 00:26:44 25 want to confer?

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 00:27:56 2 MR. COON: (Addressing the  
 00:27:56 3 witness:) Let's just step out for  
 00:27:56 4 a second.  
 00:27:56 5 (Recess taken)  
 00:31:56 6 CONTINUED EXAMINATION BY MS. BERG:  
 00:31:56 7 THE WITNESS: All right.  
 00:31:56 8 Could you restate the question for  
 00:31:56 9 me?  
 00:31:56 10 MS. BERG: I can't. She can  
 00:31:56 11 read it back for you, though.  
 00:31:56 12 THE WITNESS: Okay.  
 00:31:56 13 (Whereupon, the following portion of  
 00:31:56 14 the record was read back by the reporter:  
 00:31:56 15 Q. Do you recall the  
 00:31:56 16 circumstances of her leaving?  
 00:31:56 17 A. Yes.  
 00:31:56 18 Q. What were they.)  
 00:31:56 19 A. There were disagreements over  
 00:31:56 20 conditions of employment, and she left.  
 00:31:56 21 Q. Do you recall the nature of those  
 00:31:56 22 disagreements?  
 00:31:56 23 A. That's all I'm allowed to say on the  
 00:31:56 24 matter.

MS. BERG: Are you going to  
 COMPU-TRAN SHORTHAND REPORTING



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1 **Kevin Dui**  
 00:32:48 2 instruct him not to answer?  
 00:32:45 3 MR. COON: Yes.  
 4 Q. Were the disagreements with Murnane  
 5 or others?  
 00:32:50 6 A. With Murnane.  
 00:32:54 7 Q. And yourself?  
 00:32:58 8 A. Yes.  
 00:32:57 9 Q. Has AmeriCor, other than in this  
 00:33:03 10 case, ever been the subject of any lawsuits?  
 00:33:08 11 A. No.  
 00:33:06 12 Q. Since AmeriCor came into the Putnam  
 00:33:12 13 County Correctional Facility, do you know how  
 00:33:14 14 many suicides have occurred in that facility?  
 00:33:17 15 A. Two.  
 00:33:17 16 Q. Other than the two actual suicides,  
 00:33:20 17 are you aware of any attempts by inmates to  
 00:33:25 18 commit suicide since you came in -- or I should  
 00:33:26 19 say, since AmeriCor came in?  
 00:33:28 20 A. No.  
 00:33:29 21 Q. Did you ever come to learn of an  
 00:33:31 22 attempted suicide following the suicide of  
 00:33:37 23 Norberto Rivera?  
 00:33:40 24 A. I'm sorry; I didn't...  
 00:33:45 25 Q. Do you recall that there came a  
 COMPU-TRAN SHORTHAND REPORTING

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1 **Kevin Duffy**  
 00:33:43 2 point in time when Norberto Rivera committed  
 00:33:48 3 suicide?  
 00:33:48 4 A. Yes.  
 00:33:49 5 Q. AmeriCor was providing services at  
 00:33:54 6 that point in time; correct?  
 00:33:52 7 A. We were providing medical and dental  
 00:33:54 8 services at the time.  
 00:33:55 9 Q. To the facility, Putnam County?  
 00:33:57 10 A. Yes.  
 00:33:57 11 Q. And following that, do you recall --  
 00:34:00 12 withdrawn.  
 00:34:00 13 Did you ever come to learn that  
 00:34:02 14 after Rivera's suicide, there was another inmate  
 00:34:06 15 who attempted suicide? Rodriguez was his last  
 00:34:12 16 name.  
 00:34:14 17 A. I don't recall that.  
 00:34:15 18 Q. And the other suicide was Spencer  
 00:34:18 19 Sinkov; correct?  
 00:34:20 20 A. Yes.  
 00:34:23 21 Q. Do you know, prior to AmeriCor  
 00:34:28 22 coming in, in July of 2003 when, if at all, the  
 00:34:28 23 Putnam County Correctional Facility had an inmate  
 00:34:29 24 who committed suicide?  
 00:34:31 25 A. No.  
 COMPU-TRAN SHORTHAND REPORTING

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1 **Kevin Duffy**  
 00:34:31 2 Q. Did you ever come to learn of any  
 00:34:36 3 prior suicides at the facility? Meaning, prior  
 00:34:38 4 to AmeriCor coming in.  
 00:34:41 5 A. No.  
 00:34:41 6 Q. In connection with your policy  
 00:34:47 7 manual that you drafted, did you mirror that  
 00:34:50 8 after anything or base it on anything?  
 00:34:54 9 A. It generally follows the National  
 00:34:57 10 Commission standards.  
 00:34:59 11 Q. Other than the National Commission  
 00:35:01 12 standards, any other standards that you mirrored  
 00:35:04 13 that policy after?  
 00:35:09 14 A. I'm sure that there are other areas  
 00:35:15 15 that would have influenced the policy manual, but  
 00:35:19 16 it mirrors the National Commission standards.  
 00:35:21 17 Q. Are you aware of any other policies  
 00:35:24 18 or standards that you looked at in devising the  
 00:35:29 19 AmeriCor policy manual?  
 00:35:32 20 A. I'm sure there must have been some.  
 00:35:36 21 I don't recall specifically, off the top of my  
 00:35:38 22 head, no.  
 00:35:37 23 Q. Are you aware of whether the County,  
 00:35:39 24 itself, has any standards or regulations  
 00:35:44 25 pertaining to the facility?  
 COMPU-TRAN SHORTHAND REPORTING

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1 **Kevin Duffy**  
 00:35:47 2 A. It has its own operating procedures.  
 00:35:50 3 Q. Did you ever review those?  
 00:35:53 4 A. I think we may have reviewed some  
 00:35:57 5 that would have had an influence on medical  
 00:36:07 6 services; but in terms of the entire manual, no.  
 00:36:11 7 Q. When you say "we," who specifically  
 00:36:13 8 reviewed any Putnam County regs or rules?  
 00:36:17 9 A. It would have been me and the  
 00:36:19 10 health-services administrator at the time.  
 00:36:21 11 Q. Was that Ms. Murnane?  
 00:36:23 12 A. Yes.  
 00:36:24 13 Q. And do you recall anything specific  
 00:36:30 14 that you observed on your review of the Putnam  
 00:36:37 15 County regs or rules, as it pertained to anything  
 00:36:39 16 going into this manual?  
 00:36:43 17 A. I'm not sure I understand the  
 00:36:45 18 question.  
 00:36:46 19 Q. You indicated that you believe you  
 00:36:47 20 must have reviewed some Putnam County rules or  
 00:36:51 21 regulations pertaining to medical services;  
 00:36:53 22 correct?  
 00:36:53 23 A. Yes.  
 00:36:54 24 Q. Do you recall what provisions you  
 00:36:55 25 reviewed or what they stated?  
 COMPU-TRAN SHORTHAND REPORTING

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*Kevin Duffy*

1 **A. Not specifically.**

2 **Q. Anything in substance that you can**  
3 **remember?**

4 **A. In terms of, I guess, transportation,**  
5 **for instance, if we needed to send somebody out**  
6 **to the emergency room, we would have been**  
7 **interested in what the security arrangements for**  
8 **that were.**

9 **Q. Did you ever review anything**  
10 **pertaining to the intake or screening process for**  
11 **a new inmate?**

12 **A. I'm sure we did.**

13 **Q. Do you recall actually doing that as**  
14 **you sit here today?**

15 **A. I don't remember any specific**  
16 **instances, no.**

17 **Q. Did you review any -- withdrawn.**  
18 **Are you aware whether New York State**  
19 **has any rules or regulations or standards, if you**  
20 **will, pertaining to -- or which would apply to**  
21 **the Putnam County Correctional Facility?**

22 **A. They have a general set of**  
23 **regulations.**

24 **Q. And how are you aware of that?**

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*Kevin Duffy*

1 **A. Well, I've seen them in my work**  
2 **within correctional facilities in New York.**

3 **Q. What correctional facilities in**  
4 **New York?**

5 **A. Well, before AmeriCor was started, I**  
6 **worked in corrections, and we had contracts in**  
7 **various facilities in New York.**

8 **Q. Okay. Were you employed by the**  
9 **actual facility or by another company?**

10 **A. No. I was employed by another**  
11 **company.**

12 **Q. What was the name of that company?**

13 **A. Prison Health Services.**

14 **Q. From when to when -- withdrawn?**

15 **What position did you have with**  
16 **Prison Health Services?**

17 **A. I was senior vice president,**  
18 **operations.**

19 **Q. From when to when?**

20 **A. I worked for them for 17 years.**

21 **Q. Where were they -- in what state**  
22 **were they registered to do business or**  
23 **incorporated, if you know?**

24 **A. They were a Delaware-based**

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*Kevin Duffy*

1 **corporation.**

2 **Q. And prior to July 1, 2003, did you**  
3 **have any other employment other than with Prison**  
4 **Health Services in the preceding five years?**

5 **MR. COON: From 2003, Kim?**

6 **MS. BERG: Yes.**

7 **MR. COON: Okay.**

8 **Do you understand the**  
9 **question?**

10 **THE WITNESS: No. From**  
11 **2003, forward?**

12 **MR. COON: From 1998 to**  
13 **2003, she wants to know if you**  
14 **worked for anyone else, other than**  
15 **Prison Health Services.**

16 **A. I was with Correctional Medical**  
17 **Care.**

18 **Q. Do you recall what years you worked**  
19 **for Correctional Medical Care?**

20 **A. 2001 to 2003.**

21 **Q. What was your position there?**

22 **A. Vice president.**

23 **Q. What was the nature of that**  
24 **business?**

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*Kevin Duffy*

1 **A. It was a correctional health-care**  
2 **provider.**

3 **Q. Did it provide health-care services**  
4 **to county correctional facilities?**

5 **A. Yes.**

6 **Q. Any others?**

7 **A. No.**

8 **Q. How many facilities?**

9 **A. Three, at the time.**

10 **Q. Where were they?**

11 **A. One was in New Jersey, one was in**  
12 **New York, and one was in Pennsylvania.**

13 **Q. Do you recall the names?**

14 **A. Yeah. It was the Montgomery County**  
15 **Correctional Facility in Pennsylvania, the Ulster**  
16 **County Jail in New York, and the Atlantic County**  
17 **Criminal Justice Facility in New Jersey.**

18 **Q. And when you left the company in**  
19 **2003, was it still in existence?**

20 **A. Yes.**

21 **Q. Is it still in existence today, as**  
22 **far as you know?**

23 **A. As far as I know.**

24 **Q. Did you leave Correctional Medical**

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1 **Kevin Duffy**  
 00:42:14 2 Care to start up AmeriCor, Inc.?  
 02:42:47 3 A. Yes.  
 04:42:57 4 Q. And when was AmeriCor Incorporated?  
 04:43:08 5 A. April of 2003, I believe.  
 00:43:28 6 Q. Were you still working for  
 00:43:39 7 Correctional Medical Care at the time?  
 00:43:50 8 A. No.  
 00:43:52 9 Q. When did you stop working there?  
 00:43:56 10 A. Just prior to starting AmeriCor.  
 00:43:58 11 Q. And do you recall the year or years  
 00:43:59 12 you worked, or from when to when, I should say,  
 00:44:00 13 you worked for Prison Health Services?  
 00:44:01 14 A. It's 1981 to 1998, I believe.  
 02:44:27 15 Q. And where, if at all, did you work  
 00:44:31 16 between 1998 and 2001?  
 00:44:32 17 A. I was in school at the time, getting  
 00:44:34 18 my master's.  
 00:44:35 19 Q. Any employment?  
 00:44:36 20 A. No.  
 00:44:37 21 Q. Is Prison Health Services still in  
 00:44:38 22 business as far as you know?  
 00:44:39 23 A. Yes.  
 00:44:40 24 Q. And what were the circumstances of  
 02:44:51 25 you leaving there?

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1 **Kevin Duffy**  
 00:44:52 2 A. The company acquired another firm,  
 00:44:53 3 and they downsized.  
 00:44:54 4 Q. And did Prison Health Services  
 00:44:55 5 provide medical services in county facilities,  
 00:44:56 6 also?  
 00:44:57 7 A. Yes.  
 00:44:58 8 Q. Including in New York?  
 00:44:59 9 A. Yes.  
 00:45:00 10 Q. During the time that you worked for  
 00:45:01 11 Prison Health Services and Correctional Medical  
 00:45:02 12 Care, were there any suicides in any of the  
 00:45:03 13 facilities that you provided medical services to?  
 00:45:04 14 A. I'm sure --  
 00:45:05 15 MR. COON: I object to the  
 00:45:06 16 form. When you say "you," Kim --  
 00:45:07 17 MS. BERG: Meaning the  
 00:45:08 18 companies.  
 00:45:09 19 MR. COON: Meaning the  
 00:45:10 20 companies, okay. I just wanted to  
 00:45:11 21 make sure.  
 00:45:12 22 A. Okay. Now, you lost me.  
 00:45:13 23 Q. When you worked for Correctional  
 00:45:14 24 Medical Services -- sorry, Correctional Medical  
 00:45:15 25 Care --

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1 **Kevin Duffy**  
 00:44:44 2 A. Right.  
 00:44:44 3 Q. -- were there any suicides in any of  
 00:44:45 4 the facilities that it provided services to?  
 00:44:46 5 A. Not that I recall.  
 00:44:47 6 Q. How about when you worked for Prison  
 00:44:48 7 Health Services?  
 00:44:49 8 A. I'm sure there must have been over  
 00:44:50 9 18 years. I just don't recall specifically.  
 00:44:51 10 Q. Do you recall if you had any role or  
 00:44:52 11 involvement in anything pertaining to the  
 00:44:53 12 investigation of any suicide?  
 00:44:54 13 A. No.  
 00:44:55 14 Q. In terms of the New York State  
 00:44:56 15 general regulations that you referred to earlier,  
 00:44:57 16 are you aware of any New York State requirements  
 00:44:58 17 for county correctional facilities?  
 00:44:59 18 A. I don't -- I don't know that they're  
 00:45:00 19 defined as requirements. I know that there are  
 00:45:01 20 some standards that apply.  
 00:45:02 21 Q. Do you know if those standards are  
 00:45:03 22 required to be met by the county correctional  
 00:45:04 23 facilities in New York, or are they just  
 00:45:05 24 guidelines, if you will?  
 00:45:06 25 MR. COON: If you know.

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1 **Kevin Duffy**  
 00:45:16 2 A. I wouldn't know how to characterize  
 00:45:17 3 them.  
 00:45:18 4 Q. Did anybody ever provide you with  
 00:45:19 5 any information from which you can make or form  
 00:45:20 6 an opinion on whether or not those standards are  
 00:45:21 7 required to be met by county correctional  
 00:45:22 8 facilities?  
 00:45:23 9 MR. COON: Just note my  
 00:45:24 10 objection.  
 00:45:25 11 You can answer.  
 00:45:26 12 A. The question again, please?  
 00:45:27 13 (Question read)  
 00:45:28 14 A. Yes.  
 00:45:29 15 Q. What information did you have?  
 00:45:30 16 A. Well, I'm sure I have a copy of them  
 00:45:31 17 in my office.  
 00:45:32 18 Q. And did you, therefore, form an  
 00:45:33 19 opinion as to whether or not they're required to  
 00:45:34 20 be met by county correctional facilities?  
 00:45:35 21 A. These things are very broad and  
 00:45:36 22 cover a wide range of areas. We look at the ones  
 00:45:37 23 that affect us.  
 00:45:38 24 Q. Did you ever look at the ones that  
 00:45:39 25 pertain to the intake or booking process?

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**Kevin Duffy****Kevin Duffy**

00:47:04 **2 A. I'm sure I did.**  
 00:47:25 **3 Q. Do you recall if you ever looked at**  
 00:47:37 **4 any ones pertaining to constant supervision?**  
 00:47:37 **5 A. I don't recall any that require**  
 00:47:37 **6 that.**  
 00:47:38 **7 Q. Do you recall any that indicate**  
 00:47:41 **8 circumstances under which constant supervision**  
 00:47:44 **9 should be instituted?**  
 00:47:46 **10 A. No.**  
 00:47:46 **11 Q. Did you ever see a form from the**  
 00:47:51 **12 New York State Commission of Correction known as**  
 00:47:53 **13 the 330 ADM, which I have marked as Plaintiff's**  
 00:47:54 **14 Exhibit 1? (Handing)**  
 00:48:14 **15 A. I've seen a form that looks very**  
 00:48:15 **16 similar to this.**  
 00:48:16 **17 Q. Have you ever seen that form?**  
 00:48:18 **18 A. Like I said, I've seen forms that**  
 00:48:26 **19 are similar to this. This specific one, I don't**  
 00:48:29 **20 know.**  
 00:48:29 **21 Q. At the bottom, under the "Action"**  
 00:48:31 **22 section, it refers to, in substance, if somebody**  
 00:48:35 **23 scores eight or more, or any shaded boxes**  
 00:48:38 **24 checked, notify supervisor immediately and**  
 00:48:41 **25 institute constant watch.**

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00:48:52 **2 is different.**  
 00:49:04 **3 Q. Do you know if the Putnam County**  
 00:49:06 **4 Correctional Facility form has anything about**  
 00:49:09 **5 instituting constant watch on it?**  
 00:49:12 **6 A. I don't recall any, no.**  
 00:49:14 **7 Q. Did you have any role in devising or**  
 00:49:16 **8 in any way modifying the Putnam County form?**  
 00:49:18 **9 A. Not that I recall.**  
 00:49:21 **10 Q. What is the purpose of the form as**  
 00:49:23 **11 far as you understand it?**  
 00:49:25 **12 MR. COON: Referring to the**  
 00:49:27 **13 Putnam County form?**  
 00:49:29 **14 MS. BERG: Right.**  
 00:49:31 **15 A. It's a initial mental health**  
 00:49:33 **16 assessment tool.**  
 00:49:35 **17 Q. For what? What's it used for?**  
 00:49:37 **18 A. Oh. It's used at the time that an**  
 00:49:39 **19 inmate is brought into the facility to determine**  
 00:49:41 **20 his general mental status.**  
 00:49:43 **21 Q. Are there any policies or procedures**  
 00:49:45 **22 that AmeriCor has, as far as you know, with**  
 00:49:47 **23 respect to whether an inmate scores eight or**  
 00:49:49 **24 higher on the form?**  
 00:49:51 **25 A. I don't recall specifics regarding**

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**Kevin Duffy****Kevin Duffy**

00:49:52 **2 Do you see that portion?**  
 00:49:54 **3 A. Yes.**  
 00:49:56 **4 Q. Did anybody ever discuss that with**  
 00:49:58 **5 you or provide any information to you that led**  
 00:49:59 **6 you to understand the New York State Commission**  
 00:50:01 **7 of Corrections' opinion or standard, if you will,**  
 00:50:03 **8 that a incoming -- an incoming inmate who has**  
 00:50:05 **9 those criteria, should be placed on constant**  
 00:50:07 **10 watch?**  
 00:50:09 **11 MR. COON: Note my objection.**  
 00:50:11 **12 You can answer.**  
 00:50:13 **13 A. I don't recall any such discussion**  
 00:50:15 **14 that specifically identified the requirements of**  
 00:50:17 **15 the State of New York.**  
 00:50:19 **16 Q. And in terms of the form -- you said**  
 00:50:21 **17 you saw a similar form. Where did you see that?**  
 00:50:23 **18 A. Well, it's similar to one that is**  
 00:50:25 **19 used in the Putnam facility, Putnam County**  
 00:50:27 **20 Correctional Facility.**  
 00:50:29 **21 Q. Do you know how the form in the**  
 00:50:31 **22 Putnam County Correctional Facility differs, if**  
 00:50:33 **23 at all?**  
 00:50:35 **24 A. It seems to me that the bottom**  
 00:50:37 **25 portion following the Total-of-Column-A section,**

COMPU-TRAN SHORTHAND REPORTING

00:51:06 **2 it.**  
 00:51:08 **3 Q. Are you aware of any policies that**  
 00:51:10 **4 AmeriCor has with respect to whether an inmate**  
 00:51:12 **5 has a shaded box checked?**  
 00:51:14 **6 A. Not that I specifically recall.**  
 00:51:16 **7 Q. Are there any AmeriCor policies**  
 00:51:18 **8 which would require constant supervision for**  
 00:51:20 **9 someone who scores eight or higher on the Suicide**  
 00:51:22 **10 Prevention Screening Guidelines?**  
 00:51:24 **11 A. There are policies that address**  
 00:51:26 **12 mental-health issues. I -- I don't recall one**  
 00:51:28 **13 that specifically addresses constant observation**  
 00:51:30 **14 and specific scores on this form.**  
 00:51:32 **15 Q. Are you aware of any policies that**  
 00:51:34 **16 require constant supervision for anyone who has**  
 00:51:36 **17 one or more shaded box checked on the suicide**  
 00:51:38 **18 screening form?**  
 00:51:40 **19 A. No.**  
 00:51:42 **20 Q. Are you aware of any -- withdrawn.**  
 00:51:44 **21 In terms of the name of the form,**  
 00:51:46 **22 the Suicide Prevention Screening Guidelines,**  
 00:51:48 **23 that's the name of it in Putnam County, as well?**  
 00:51:50 **24 A. I don't recall specifically what's**  
 00:51:52 **25 on top of the form.**

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1 Kevin Duffy  
 00:52:40 2 Q. Take a look, if you would, at  
 00:52:42 3 Exhibit 3. (Handing)  
 00:52:44 4 A. (Witness complies)  
 00:52:46 5 Q. Do you recognize -- just the form;  
 00:52:48 6 not the handwriting portion but the form, itself --  
 00:52:50 7 as the one that's used in Putnam County?  
 00:52:52 8 A. It looks like it, yes.  
 00:52:54 9 Q. Do you have any doubts?  
 00:52:56 10 A. No.  
 00:52:58 11 Q. At the top, what's the name of the  
 00:53:00 12 form?  
 00:53:02 13 A. Suicide Prevention Screening  
 00:53:04 14 Guidelines.  
 00:53:06 15 Q. Did you ever have the understanding  
 00:53:08 16 that that form is administered to incoming  
 00:53:10 17 inmates to assess whether or not they are at high  
 00:53:12 18 risk for suicide?  
 00:53:14 19 A. Yes.  
 00:53:16 20 Q. And did you ever receive any  
 00:53:18 21 information, in terms of total score or shaded  
 00:53:20 22 boxes, as to when somebody should be on notice  
 00:53:22 23 that an inmate is at high-risk for suicide?  
 00:53:24 24 MR. COON: Objection to the  
 00:53:26 25 form.

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1 Kevin Duffy  
 00:53:28 2 You can answer.  
 00:53:30 3 A. It's my understanding that if  
 00:53:32 4 someone scores over a certain number, that they  
 00:53:34 5 can be put on an observation status.  
 00:53:36 6 Q. What number?  
 00:53:38 7 A. Eight sounds right to me.  
 00:53:40 8 Q. That's your recollection?  
 00:53:42 9 A. Yes.  
 00:53:44 10 Q. How about whether or not if somebody  
 00:53:46 11 scores a certain number, they're deemed to be a  
 00:53:48 12 high risk for suicide?  
 00:53:50 13 MR. COON: Objection to  
 00:53:52 14 form.  
 00:53:54 15 You can answer.  
 00:53:56 16 A. I'm not sure that I see a difference  
 00:53:58 17 between that question and the earlier one.  
 00:54:00 18 If you score more than an eight, you  
 00:54:02 19 are generally put on observation because you are  
 00:54:04 20 perceived to be a risk to yourself.  
 00:54:06 21 Q. Meaning, harming oneself or killing  
 00:54:08 22 oneself?  
 00:54:10 23 A. Yes.  
 00:54:12 24 Q. And with respect to the shaded boxes,  
 00:54:14 25 do you have an understanding that if somebody has

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1 Kevin Duffy  
 00:54:16 2 one or more shaded box, they're deemed to be a  
 00:54:18 3 risk of either harming themselves or killing  
 00:54:20 4 themselves?  
 00:54:22 5 A. Yes.  
 00:54:24 6 Q. Did you ever review any materials  
 00:54:26 7 that were provided to Putnam County Correctional  
 00:54:28 8 Facility employees with respect to high-risk  
 00:54:30 9 inmates? Rules, regulations, handbooks; anything  
 00:54:32 10 like that?  
 00:54:34 11 A. You're asking me if I'm aware of  
 00:54:36 12 what county employees were provided with?  
 00:54:38 13 Q. Yes.  
 00:54:40 14 A. No.  
 00:54:42 15 Q. Did you ever see Exhibit 9, which is  
 00:54:44 16 an Officer's Handbook. And I opened it to Page  
 00:54:46 17 17, but flip through it just so you can answer my  
 00:54:48 18 initial question. (Handing)  
 00:54:50 19 MR. COON: Take a look at  
 00:54:52 20 the first page, the cover page, and  
 00:54:54 21 then you can answer it.  
 00:54:56 22 A. (Witness complies) No.  
 00:54:58 23 Q. On Page 17 at the bottom under  
 00:55:00 24 "Supervising," do you see the section in bold?  
 00:55:02 25 A. Yes.

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1 Kevin Duffy  
 00:55:04 2 Q. Did you ever receive any information  
 00:55:06 3 prior to today that, according to the Commission  
 00:55:08 4 of Correction regulations, constant supervision  
 00:55:10 5 should be given to all high-risk inmates?  
 00:55:12 6 A. Not that I recall.  
 00:55:14 7 Q. Did you ever provide any training or  
 00:55:16 8 require any employees of AmeriCor to attend  
 00:55:18 9 training on the topic of suicide prevention?  
 00:55:20 10 A. You used the word "require," I  
 00:55:22 11 think.  
 00:55:24 12 Training was made available to them.  
 00:55:26 13 Q. Was it mandatory?  
 00:55:28 14 A. I don't recall.  
 00:55:30 15 Q. When was that training made  
 00:55:32 16 available to AmeriCor employees?  
 00:55:34 17 A. I don't recall.  
 00:55:36 18 Q. How many times has that training,  
 00:55:38 19 suicide training, been made available to AmeriCor  
 00:55:40 20 employees since July 1 of '03?  
 00:55:42 21 A. I don't recall.  
 00:55:44 22 Q. Did you have anything to do with the  
 00:55:46 23 actual training?  
 00:55:48 24 A. I did the initial orientation of the  
 00:55:50 25 staff when we started the contract. I don't

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1 **Kevin Duffy**  
 00:57:16 2 recall everything that was in it.  
 00:57:28 3 Q. Did you present anything at that  
 2 4 time about suicide?  
 00:57:33 5 A. I'd have to go back and look.  
 00:57:33 6 Q. Do you recall as you sit here now?  
 00:57:36 7 A. Not off the top of my head.  
 00:57:37 8 Q. What would you go back and look at?  
 00:57:38 9 A. Probably the orientation checklist.  
 00:57:37 10 Q. Where is that maintained currently?  
 00:57:38 11 A. It's probably in the corporate  
 00:57:45 12 office.  
 00:57:48 13 MS. BERG: I'm going to  
 00:57:48 14 call for the production of the  
 00:57:48 15 orientation checklist.  
 00:57:51 16 MR. COON: Take it under  
 00:57:51 17 advisement.  
 00:57:55 18 DOCUMENT/DATA REQUESTED:  
 00:57:55 19 Q. Other than during the -- possibly  
 00:58:03 20 during the orientation that you provided, were  
 00:58:05 21 you involved in any way in providing training to  
 00:58:08 22 AmeriCor employees on the topic of suicide,  
 00:58:13 23 suicide prevention?  
 00:58:17 24 A. For me, personally, not that I  
 00:58:19 25 recall.

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1 **Kevin Duffy**  
 00:58:19 2 Q. Do you know who actually gave the  
 00:58:22 3 training, if any AmeriCor employees actually --  
 00:58:25 4 withdrawn.  
 00:58:26 5 Do you know if any AmeriCor  
 00:58:27 6 employees actually attended the suicide training?  
 00:58:32 7 A. I'm sure some of them did. I don't  
 00:58:35 8 recall which ones.  
 00:58:36 9 Q. Do you know who gave the training?  
 00:58:38 10 A. No.  
 00:58:39 11 Q. Are you aware of any AmeriCor  
 00:58:44 12 policies or procedures which require referrals to  
 00:58:48 13 be made to a mental-health worker or psychiatrist  
 00:58:52 14 or psychologist if an individual scores eight or  
 00:58:56 15 higher on the Suicide Prevention Screening Form?  
 00:59:02 16 A. I suspect there is something in the  
 00:59:05 17 manual that addresses what you're talking about.  
 00:59:08 18 I don't remember the specifics.  
 00:59:13 19 Q. Do you know if any referrals are  
 00:59:16 20 required by AmeriCor nurses during intake, based  
 00:59:22 21 on the results of the suicide screening  
 00:59:27 22 guidelines?  
 00:59:36 23 A. I don't recall the specifics, no.  
 00:59:46 24 Q. Do you know Susan Waters?  
 00:59:53 25 A. Yes.

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1 **Kevin Duffy**  
 00:59:53 2 Q. Did you have any role in hiring her?  
 00:59:58 3 A. Probably.  
 00:59:58 4 Q. Do you recall one way or the other,  
 01:00:02 5 as you sit here today?  
 01:00:04 6 A. I probably welcomed her aboard when  
 01:00:17 7 she was hired.  
 01:00:18 8 Q. Who has the decision-making ability  
 01:00:20 9 to hire a nurse for AmeriCor?  
 01:00:22 10 A. The health-services administrator.  
 01:00:24 11 Q. Are you required, as the president,  
 01:00:26 12 to approve that action?  
 01:00:26 13 A. I am not required to approve it,  
 01:00:32 14 although it generally happens.  
 01:00:34 15 Q. Do you recall if in Ms. Waters'  
 01:00:37 16 case, you approved her hire?  
 01:00:38 17 A. No.  
 01:00:38 18 Q. As a matter of practice, does  
 01:00:41 19 AmeriCor perform any kind of background checks on  
 01:00:43 20 the nurses that it employs?  
 01:00:48 21 A. We confirm their licenses and on an  
 01:00:51 22 as-needed basis conduct reference checks and so  
 01:00:57 23 forth. We do not do a background, criminal  
 01:01:01 24 background check on them.  
 01:01:02 25 Q. Do you recall learning anything

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1 **Kevin Duffy**  
 01:01:03 2 about Susan Waters' nursing license at any point  
 01:01:09 3 in time?  
 01:01:13 4 A. I'm not sure I understand the  
 01:01:13 5 question.  
 01:01:13 6 Q. Did you ever learn that her nursing  
 01:01:17 7 license was suspended?  
 01:01:16 8 A. No.  
 01:01:17 9 Q. Or that she was on probation for any  
 01:01:18 10 period of time?  
 01:01:19 11 A. No.  
 01:01:20 12 Q. Do you recall if you had any role in  
 01:01:27 13 hiring Peter Clarke?  
 01:01:29 14 A. The situation would be the same as  
 01:01:36 15 with Waters. It seems to me that they have been  
 01:01:39 16 with the company for a while.  
 01:01:41 17 Q. Do you recall anything about whether  
 01:01:45 18 or not anything turned up about his license?  
 01:01:48 19 A. No.  
 01:01:48 20 Q. Are AmeriCor employees evaluated in  
 01:01:53 21 any formal way - job performance review or  
 01:01:56 22 anything else?  
 01:01:57 23 A. Yes.  
 01:01:57 24 Q. Are they in writing?  
 01:02:00 25 A. Yes.

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*Kevin Duffy*

01:01:58 2 Q. How often are those job performance  
01:02:02 3 reviews done?  
01:02:04 4 A. Generally, annually.  
01:02:06 5 Q. Do you review the formal job  
01:02:10 6 performance evaluation for each of the nurses?  
01:02:14 7 A. Yes.  
01:02:16 8 Q. Do you recall anything about  
01:02:18 9 Susan Waters' evaluations?  
01:02:20 10 A. No.  
01:02:22 11 Q. Do you recall anything about  
01:02:24 12 Peter Clark's evaluations?  
01:02:26 13 A. No.  
01:02:28 14 Q. And for how long has AmeriCor  
01:02:30 15 evaluated the job performance of its nurses in a  
01:02:32 16 formal, written basis?  
01:02:34 17 A. How long has the company been doing  
01:02:36 18 it?  
01:02:38 19 Q. Yes.  
01:02:40 20 A. Since we started.  
01:02:42 21 MS. BERG: I'm going to  
01:02:44 22 call for the production of the job  
01:02:46 23 performance evaluations for Waters and  
01:02:48 24 Clarke.  
01:02:50 25 MR. COON: Take it under

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*Kevin Duffy*

01:02:48 2 advisement.  
01:02:50 3 DOCUMENT/DATA REQUESTED: \_\_\_\_\_  
01:02:52 4 Q. Are you aware of any policies or  
01:02:54 5 procedures with respect to what AmeriCor nursing  
01:02:56 6 staff is required to do if they actually see an  
01:02:58 7 inmate within four hours of them coming into the  
01:03:00 8 facility?  
01:03:02 9 A. Yes.  
01:03:04 10 Q. What are they required to do?  
01:03:06 11 A. If, on evaluation, they see an  
01:03:08 12 inmate at commitment who is ill or injured, they  
01:03:10 13 would perform an evaluation and determine whether  
01:03:12 14 or not that person needed to be seen immediately,  
01:03:14 15 could be handled there in the facility by the  
01:03:16 16 nurse, or should be referred to one of the  
01:03:18 17 physician staff.  
01:03:20 18 Q. Anything else that the nursing staff  
01:03:22 19 is required to do if they actually see the inmate  
01:03:24 20 within four hours of the inmate coming in?  
01:03:26 21 A. It would depend on what was on --  
01:03:28 22 what they found. But for instance, if an inmate  
01:03:30 23 came in and said he was on medication, they would  
01:03:32 24 attempt to verify that.  
01:03:34 25 Q. Anything else that the nurse is

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*Kevin Duffy*

01:04:02 2 required to do by either AmeriCor policy or  
01:04:04 3 procedure on the intake of an inmate when they  
01:04:06 4 actually see that inmate?  
01:04:08 5 A. Not that I recall.  
01:04:10 6 Q. Are they required to perform any  
01:04:12 7 kind of a medical assessment themselves -  
01:04:14 8 examination or otherwise?  
01:04:16 9 A. Well, they do a general health  
01:04:18 10 assessment. They ask if the inmate is on any  
01:04:20 11 medications, or if he has any medical conditions  
01:04:22 12 that the staff needs to be aware of, or those  
01:04:24 13 types of things.  
01:04:26 14 Q. Are they required to ask about drug  
01:04:28 15 use or alcohol use?  
01:04:30 16 A. As I recall, yes.  
01:04:32 17 Q. That's in the policy?  
01:04:34 18 A. It's on the form.  
01:04:36 19 Q. Is this a form that the AmeriCor  
01:04:38 20 nurse actually administers, or does somebody else  
01:04:40 21 administer it?  
01:04:42 22 A. It can be both.  
01:04:44 23 Q. Other than AmeriCor, what's the  
01:04:46 24 other?  
01:04:48 25 A. It can be the correctional officer

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*Kevin Duffy*

01:05:40 2 in the booking unit.  
01:05:42 3 Q. Do you know in practice what  
01:05:44 4 actually happens - whether it's the AmeriCor  
01:05:46 5 staff person or the correction officer who  
01:05:48 6 administers the medical form?  
01:05:50 7 A. Generally, all the forms are filled  
01:05:52 8 out by the correctional officer.  
01:05:54 9 Q. And are you aware of any requirement  
01:05:56 10 that a nurse actually see an inmate within four  
01:05:58 11 hours to perform a cursory examination, which  
01:06:00 12 would include vital signs?  
01:06:02 13 MR. COON: Objection to the  
01:06:04 14 form.  
01:06:06 15 You can answer.  
01:06:08 16 A. The nurse is required, as I  
01:06:10 17 indicated earlier, to either see the inmate or  
01:06:12 18 review the record within four hours. In fact,  
01:06:14 19 the nurse performs -- conducts a review and does  
01:06:16 20 vital signs on every inmate that comes into the  
01:06:18 21 facility now.  
01:06:20 22 Q. Since when?  
01:06:22 23 A. I would hazard a guess - a year and  
01:06:24 24 a half.  
01:06:26 25 Q. Was that a change or amendment to

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1 Kevin Duffy  
 01:07:05 2 AmeriCor policy at that time?  
 01:07:07 3 A. Yes.  
 01:07:09 4 Q. And do you recall, prior to a year  
 01:07:14 5 and a half ago, was the nurse required to check  
 01:07:20 6 incoming inmates' vital signs?  
 01:07:22 7 A. They weren't required to do it, no.  
 01:07:24 8 Q. In practice, do you know if they did?  
 01:07:26 9 A. They did it on an as-needed basis.  
 01:07:30 10 Q. Is it fair to say that since this  
 01:07:32 11 policy was changed about a year or a year and a  
 01:07:35 12 half ago, AmeriCor nursing staff will always,  
 01:07:38 13 therefore, physically see an incoming inmate?  
 01:07:42 14 A. Yes.  
 01:07:43 15 Q. And is that within four hours of the  
 01:07:48 16 person coming into the facility or being booked?  
 01:07:51 17 A. Yes.  
 01:07:53 18 Q. Is the nurse, since the last year  
 01:08:02 19 and a half, required to also conduct a review of  
 01:08:07 20 the paperwork that's completed, let's say, by the  
 01:08:10 21 correction officer?  
 01:08:15 22 A. You narrowed your question to the  
 01:08:20 23 last year and a half?  
 01:08:27 24 Q. Yes. In other words, since they are  
 01:08:30 25 actually required to see the inmate a year and a

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1 Kevin Duffy  
 01:08:33 2 half ago --  
 01:08:34 3 A. Right.  
 01:08:36 4 Q. -- are they still required to also  
 01:08:39 5 review the paperwork pertaining to the inmate?  
 01:08:41 6 A. Oh, Yes.  
 01:08:43 7 Q. Is that within the four-hour period,  
 01:08:45 8 as well?  
 01:08:47 9 A. Yes.  
 01:08:49 10 Q. What is the purpose of having the  
 01:08:51 11 nursing staff review the paperwork pertaining to  
 01:08:53 12 the inmate?  
 01:08:55 13 A. Well, if an inmate indicated that he  
 01:08:57 14 was on medications, for instance, during the  
 01:09:00 15 initial questioning, the nurse would follow up to  
 01:09:02 16 find out what medication the inmate was on, and  
 01:09:05 17 if continuation was necessary, and so forth.  
 01:09:12 18 Q. Prior to the change in policy where  
 01:09:14 19 now nurses see, actually see the inmates or are  
 01:09:18 20 required to see the inmates, before that time  
 01:09:20 21 that a nurse conducted only a review of the  
 01:09:23 22 paperwork, what, if anything, were they required  
 01:09:25 23 to do at that point?  
 01:09:28 24 MR. COON: Objection to  
 01:09:30 25 form.

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1 Kevin Duffy  
 01:09:32 2 You can answer.  
 01:09:38 3 A. Well, they would be required to  
 01:09:42 4 follow up on information on an as-needed basis.  
 01:09:44 5 Again, if an inmate claimed that he was taking  
 01:09:46 6 insulin, for instance, the nurse would follow up  
 01:09:48 7 to find out how much he was taking, when the last  
 01:09:50 8 dose was; making sure that it was continued and  
 01:09:52 9 so forth.  
 01:09:54 10 Q. You indicated that part of the  
 01:09:56 11 screening form has question areas pertaining to  
 01:09:58 12 drug or alcohol use.  
 01:10:00 13 A. Yes.  
 01:10:02 14 Q. What are AmeriCor nursing staff  
 01:10:04 15 required to do, by either policy or procedure, if  
 01:10:06 16 an inmate indicates recent drug or alcohol use?  
 01:10:08 17 A. Well, they would see the inmate and  
 01:10:10 18 attempt to confirm what the inmate was reporting,  
 01:10:12 19 and then determine whether or not the inmate  
 01:10:14 20 needed to be seen by the physician or whether  
 01:10:16 21 there were -- whether there was any evidence to  
 01:10:18 22 support what the inmate was saying.  
 01:10:20 23 Q. And when you say the nurse has to  
 01:10:22 24 attempt to confirm, is that by a verbal  
 01:10:24 25 discussion with the inmate?

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1 Kevin Duffy  
 01:10:26 2 A. It can be.  
 01:10:28 3 Q. Any other means?  
 01:10:30 4 A. Well, if the inmate brings  
 01:10:32 5 medications in with him, for instance, those  
 01:10:34 6 would be provided to the nurse so that she could  
 01:10:36 7 then confirm the validity of the prescriptions.  
 01:10:38 8 Q. What about with respect to illegal  
 01:10:40 9 drug or alcohol use?  
 01:10:42 10 A. That's -- she would attempt to  
 01:10:44 11 identify or verify what the inmate was telling  
 01:10:46 12 her.  
 01:10:48 13 Q. Are the nursing staff required, by  
 01:10:50 14 policy or procedure, to ask the inmate about what  
 01:10:52 15 type of drug, or the nature and frequency of use  
 01:10:54 16 of that drug?  
 01:10:56 17 A. Yes.  
 01:10:58 18 Q. Are they required to find out when  
 01:11:00 19 the inmate last used the drug?  
 01:11:02 20 A. To the best of their ability, yes.  
 01:11:04 21 Q. By questioning the inmate?  
 01:11:06 22 A. Yes.  
 01:11:08 23 Q. And are the nursing staff required  
 01:11:10 24 to document in any way their initial assessment  
 01:11:12 25 of an inmate, say, within the first four hours?

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*Kevin Duffy*

1  
01:12:23 2 A. Yes.  
01:12:24 3 Q. What are the documents they're  
01:12:25 4 required to create?  
01:12:26 5 A. Well, aside from the ones that  
01:12:27 6 you've showed me, any other information would be  
01:12:28 7 entered into the permanent medical record as a --  
01:12:29 8 probably a Progress Note.  
01:12:30 9 Q. So, in addition to the Putnam County  
01:12:31 10 forms that the COs administer, what records does  
01:12:32 11 AmeriCor require the nursing staff maintain?  
01:12:33 12 A. Well, every inmate has to have a  
01:12:34 13 medical file.  
01:12:35 14 Q. What's in the medical file?  
01:12:36 15 A. Well, it starts with the forms that  
01:12:37 16 you were just talking about - the intake  
01:12:38 17 screening forms - and then documents are added as  
01:12:39 18 needed. For instance, if the nurse had some  
01:12:40 19 observations, she would put them on a Progress  
01:12:41 20 Note and that would become part of the record.  
01:12:42 21 If the inmate got medications while he was in the  
01:12:43 22 facility, those would be documented, and that  
01:12:44 23 would become part of the record.  
01:12:45 24 Q. There's a Medication Administration  
01:12:46 25 Record?

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*Kevin Duffy*

1  
01:14:35 2 is already existing in an inmate's medical file,  
01:14:36 3 do they write on the same sheet of paper in  
01:14:37 4 chronological order, or do they create a separate  
01:14:38 5 sheet for their entry?  
01:14:39 6 A. I'm not sure I understand what  
01:14:40 7 you're asking me.  
01:14:41 8 Q. In other words, let's assume an  
01:14:42 9 inmate comes in, and on the initial screening,  
01:14:43 10 the nurse writes a Progress Note.  
01:14:44 11 A. Um-hum.  
01:14:45 12 Q. That nurse goes off shift and a new  
01:14:46 13 nurse comes on shift and sees the inmate and also  
01:14:47 14 has to write a Progress Note. Is the second  
01:14:48 15 shift, that nurse's Progress Note, noted on the  
01:14:49 16 same form as the intake Progress Note, or is it  
01:14:50 17 on a completely separate sheet?  
01:14:51 18 A. The Progress Notes follow  
01:14:52 19 chronologically; so, whatever entry is made,  
01:14:53 20 would be made on the same sheet, unless the sheet  
01:14:54 21 were full and another one were needed.  
01:14:55 22 Q. And with respect to referrals, are  
01:14:56 23 there any forms that you're aware of that nursing  
01:14:57 24 staff completes to refer somebody for, for  
01:14:58 25 example, mental-health evaluation or a

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*Kevin Duffy*

1  
01:13:34 2 A. Yes.  
01:13:35 3 Q. And in terms of the Progress Notes,  
01:13:36 4 are these required by the nursing staff whenever  
01:13:37 5 they assess or evaluate an Inmate?  
01:13:38 6 A. Yes.  
01:13:39 7 Q. Are they required -- for actions  
01:13:40 8 that the nursing staff takes, such as when they  
01:13:41 9 refer the inmate to a psychiatrist or mental-  
01:13:42 10 health worker, are they required to document it  
01:13:43 11 in a Progress Note?  
01:13:44 12 A. Generally, yes.  
01:13:45 13 Q. Anything else that goes in a  
01:13:46 14 Progress Note?  
01:13:47 15 A. Anything that's applicable to the  
01:13:48 16 inmate's health care would go into the file in  
01:13:49 17 one form or another.  
01:13:50 18 Q. And in terms of the Progress Notes,  
01:13:51 19 is this on a form that's already prepared, and  
01:13:52 20 they simply write in the date and their  
01:13:53 21 observations?  
01:13:54 22 A. It's a preprinted form that they  
01:13:55 23 utilize, yes.  
01:13:56 24 Q. And with respect to the nurses when  
01:13:57 25 they come on staff, on shift, say a Progress Note

COMPU-TRAN SHORTHAND REPORTING

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*Kevin Duffy*

1  
01:15:47 2 psychiatrist or psychologist?  
01:15:48 3 A. The inmate's name would probably  
01:15:49 4 show up on the shift report as having been seen  
01:15:50 5 and needing to be seen by someone else.  
01:15:51 6 Q. What is a shift report?  
01:15:52 7 A. The shift report is a -- basically,  
01:15:53 8 a summary sheet. It shows who was seen and why  
01:15:54 9 and what supplies are needed. If there are any  
01:15:55 10 particular cases that need attention.  
01:15:56 11 Q. And in terms of the shift report,  
01:15:57 12 are they prepared on each shift?  
01:15:58 13 A. Yes.  
01:15:59 14 Q. And where do the Shift Reports go  
01:16:00 15 once they're prepared?  
01:16:01 16 A. Well, they're kept in a three-ring  
01:16:02 17 binder at the nursing station.  
01:16:03 18 Q. Are you familiar with the fact that  
01:16:04 19 inmates in the Putnam County Correctional  
01:16:05 20 Facility are sometimes placed on a heightened  
01:16:06 21 level of supervision, such as a 15-minute watch,  
01:16:07 22 or constant supervision?  
01:16:08 23 A. Yes.  
01:16:09 24 Q. Is anything supposed to be noted on  
01:16:10 25 the shift report for inmates who are on those

COMPU-TRAN SHORTHAND REPORTING

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Kevin Duffy

1  
01:16:56 2 heightened levels of supervision?  
01:16:58 3 **A. It would be my expectation that if**  
01:17:03 4 **somebody were put on a observation status, that**  
01:17:07 5 **that would be noted on the shift report.**  
01:17:08 6 **Q. Do you know if it's required by**  
01:17:12 7 **reason of any AmeriCor policy or procedure?**  
01:17:12 8 **A. Not specifically.**  
01:17:13 9 **Q. And in terms of the shift report, is**  
01:17:21 10 **that available for the nurse who is coming onto**  
01:17:25 11 **the next shift?**  
01:17:27 12 **A. Yes.**  
01:17:28 13 **Q. Are they required to review the**  
01:17:29 14 **shift report?**  
01:17:30 15 **A. Yes.**  
01:17:33 16 **Q. Is there any other -- are there any**  
01:17:36 17 **other steps that the outgoing nurse would perform**  
01:17:38 18 **to make the incoming nurse aware of what happened**  
01:17:41 19 **on the shift?**  
01:17:44 20 **A. Basically, all of the information**  
01:17:50 21 **that needs to be transferred is on that sheet.**  
01:17:54 22 **Q. Are you aware of any requirement**  
01:18:02 23 **that nursing staff document the date and time**  
01:18:05 24 **that they review the medical intake forms?**  
01:18:09 25 **A. Yes.**

COMPU-TRAN SHORTHAND REPORTING

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Kevin Duffy

1  
01:18:10 2 **Q. Are you aware of any policies or**  
01:18:15 3 **procedures with respect to AmeriCor nurses that,**  
01:18:18 4 **if they failed to note the date and time of their**  
01:18:22 5 **review, it's equivalent to not having reviewed**  
01:18:25 6 **the forms?**  
01:18:26 7 **A. No.**  
01:18:34 8 **MS. BERG: Let me have**  
01:18:36 9 **marked as Plaintiff's Exhibit**  
01:18:36 10 **Number 22 a copy of a January 22,**  
01:18:40 11 **2004, memo from Michelle Murnane to**  
01:18:43 12 **All Staff.**  
01:18:46 13 **(Whereupon, eight-page 1/22/04 memo**  
01:18:49 14 **from Michelle Murnane to All Staff was**  
01:18:52 15 **marked as Plaintiff's Exhibit No. 22, for**  
01:18:55 16 **id.)**  
01:18:57 17 **Q. Have you ever seen this document**  
01:19:00 18 **before?**  
01:19:03 19 **A. Probably.**  
01:19:06 20 **Q. Are you aware, from time to time,**  
01:19:09 21 **the health-services administrator sends memos to**  
01:19:12 22 **the nursing staff?**  
01:19:15 23 **A. Yes.**  
01:19:18 24 **Q. And in the first paragraph of**  
01:19:21 25 **Exhibit 22, referring to documentation, it**

COMPU-TRAN SHORTHAND REPORTING

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Kevin Duffy

1  
01:19:46 2 states, "All documentation entries must show a  
01:19:49 3 date, time and signature."  
01:19:52 4 **A. Yes.**  
01:19:52 5 **Q. Next couple of lines down: "This is**  
01:19:55 6 **required in order to show compliance with the**  
01:19:57 7 **contract's requirement that inmates be seen or**  
01:20:01 8 **intake screenings be reviewed within four hours**  
01:20:04 9 **of an inmate's commitment to the facility.**  
01:20:08 10 **Failure to show a time on the screening form,**  
01:20:11 11 **indicates noncompliance with that four-hour**  
01:20:16 12 **requirement."**  
01:20:18 13 **Do you see that?**  
01:20:19 14 **A. Yes.**  
01:20:22 15 **Q. Does that refresh your recollection**  
01:20:24 16 **as to any policies or procedures AmeriCor has**  
01:20:26 17 **with respect to if a nurse fails to note the date**  
01:20:29 18 **and time of their review, it's equivalent to not**  
01:20:32 19 **having reviewed the form?**  
01:20:32 20 **A. I don't know that it refers**  
01:20:35 21 **specifically to any policy or procedure --**  
01:20:38 22 **Q. Well, did you understand --**  
01:20:42 23 **A. -- but it is a general understanding.**  
01:20:44 24 **Q. I'm sorry.**  
01:20:48 25 **Is it a requirement of nursing staff**

COMPU-TRAN SHORTHAND REPORTING

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Kevin Duffy

1  
01:20:50 2 to document the date and time of review?  
01:20:53 3 **A. The nursing staff are generally**  
01:20:57 4 **required to date and time anything that they do.**  
01:21:00 5 **Q. Would that also be the date and time**  
01:21:03 6 **that they reviewed the medical intake forms?**  
01:21:07 7 **A. Yes.**  
01:21:10 8 **Q. Let me show you Exhibit 7, which is**  
01:21:13 9 **the Inmate Medical Intake Record, the first two**  
01:21:16 10 **pages of it, at least. (Handing)**  
01:21:20 11 **Do you recognize the form; not**  
01:21:23 12 **necessarily the handwriting, but the form?**  
01:21:26 13 **A. Yes.**  
01:21:29 14 **Q. That's part of the initial screening**  
01:21:32 15 **packet that's given to a new inmate?**  
01:21:35 16 **A. Okay.**  
01:21:38 17 **Q. Is that true?**  
01:21:41 18 **A. Yes.**  
01:21:44 19 **Q. And is the Suicide Prevention**  
01:21:47 20 **Screening Guidelines, Exhibit 3, part of that**  
01:21:50 21 **packet?**  
01:21:53 22 **A. Yes.**  
01:21:56 23 **Q. And when the nursing staff conducts**  
01:21:59 24 **the review of the medical intake, do they also**  
01:22:02 25 **review the Suicide Prevention Screening**

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 01:21:54 2 Guidelines?  
 01:21:54 3 A. Yes.  
 01:21:54 4 Q. That's required by reason of  
 01:21:54 5 AmeriCor's policies; correct?  
 01:21:54 6 A. Yes.  
 01:21:54 7 Q. On the first page of Exhibit 7, do  
 01:21:54 8 you see at the bottom right there's a -- what  
 01:21:54 9 looks like a stamp or a rectangle, if you will,  
 01:21:54 10 with an arrow?  
 01:21:54 11 A. Yes.  
 01:21:54 12 Q. Do you recognize the handwriting in  
 01:21:54 13 that?  
 01:21:54 14 A. Yes.  
 01:21:54 15 Q. Whose is that?  
 01:21:54 16 A. Peter Clarke's.  
 01:21:54 17 Q. And what does it indicate in that  
 01:21:54 18 box?  
 01:21:54 19 A. It indicates that he reviewed the  
 01:21:54 20 record on May 20 of '06.  
 01:21:54 21 Q. Is there any time noted?  
 01:21:54 22 A. No.  
 01:21:54 23 Q. Did you ever have any occasion to  
 01:21:54 24 personally counsel or cause somebody to counsel  
 01:21:54 25 Paul Clarke for failing to note the time that he

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 01:22:48 2 reviewed Sinkov's record?  
 01:22:48 3 A. Peter Clarke. And the answer is, no.  
 01:22:48 4 Q. Was any action taken with respect to  
 01:22:48 5 Clarke for failing to document the timing of any  
 01:22:48 6 of his entries at any point?  
 01:22:48 7 A. Not that I'm aware of.  
 01:22:48 8 (Cell phone interruption)  
 01:22:48 9 We are going to take a break at some  
 01:22:48 10 point, aren't we?  
 01:22:48 11 MS. BERG: Do you need one  
 01:22:48 12 right now?  
 01:22:48 13 THE WITNESS: I don't need  
 01:22:48 14 one right now, but we've been at it  
 01:22:48 15 for two hours.  
 01:22:48 16 MS. BERG: I'm fine if you  
 01:22:48 17 want to take a five-minute break.  
 01:22:48 18 I have no problem with that.  
 01:22:48 19 MR. COON: Do you want to  
 01:22:48 20 take a break?  
 01:22:48 21 THE WITNESS: Yes, why don't  
 01:22:48 22 we.  
 01:22:48 23 (Recess taken from 11:32 to 11:43 a.m.)  
 01:22:48 24 CONTINUED EXAMINATION BY MS. BERG:  
 01:22:48 25 Q. Did you ever see the actual medical

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 01:24:43 2 intake forms for Spencer Sinkov prior to today?  
 01:24:43 3 A. Yes.  
 01:24:43 4 Q. Do you recall when for the first  
 01:24:43 5 time?  
 01:24:43 6 A. No.  
 01:24:43 7 Q. Do you recall why you reviewed them?  
 01:24:43 8 A. Well, there was an inmate death,  
 01:24:43 9 so...  
 01:24:43 10 Q. So, you reviewed it because of that?  
 01:24:43 11 A. Yes.  
 01:24:43 12 Q. And when you reviewed it, did you  
 01:24:43 13 follow up with anybody? Ask questions? Anything?  
 01:24:43 14 A. I'm sure I did.  
 01:24:43 15 Q. Do you recall who you spoke with?  
 01:24:43 16 A. I probably spoke with members of my  
 01:24:43 17 staff.  
 01:24:43 18 Q. Do you recall, as you sit here  
 01:24:43 19 today? You're saying "probably."  
 01:24:43 20 A. Well, I'm sure I would have talked  
 01:24:43 21 with the health-services administrator.  
 01:24:43 22 Q. I don't want you to guess.  
 01:24:43 23 Who did you speak with?  
 01:24:43 24 A. I don't know specifically.  
 01:24:43 25 Q. Do you recall in substance anything

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 01:25:29 2 that you asked?  
 01:25:29 3 A. Generally, I reviewed the  
 01:25:29 4 circumstances of the death.  
 01:25:29 5 Q. Do you recall anything that you  
 01:25:29 6 specifically focused on?  
 01:25:29 7 A. No.  
 01:25:29 8 Q. Do you recall anything that was  
 01:25:29 9 communicated to you?  
 01:25:29 10 A. Not specifically, no.  
 01:25:29 11 Q. Did you review anything to prepare  
 01:25:29 12 for today's deposition?  
 01:25:29 13 A. No.  
 01:25:29 14 MS. BERG: I'm going to have  
 01:25:29 15 marked, as Exhibit 23, a copy of a  
 01:25:29 16 memo from Richard DiMattio to All  
 01:25:29 17 Nursing Staff, dated November 9, '04.  
 01:25:29 18 (Whereupon, one-page 11/9/04 memo from  
 01:25:29 19 Richard DiMattio to All Nursing Staff, was  
 01:25:29 20 marked as Plaintiff's Exhibit No. 23, for  
 01:25:29 21 id.)  
 01:25:29 22 Q. Did you ever see Exhibit 23 before  
 01:25:29 23 today?  
 01:25:29 24 A. I don't recall this specific  
 01:25:29 25 document, no.

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy

2 Q. On the bottom it says, "On the Shift  
3 Reports, please include 15-minute checks and  
4 constant watch."

5 Do you see that?

6 A. Yes.

7 Q. It also says, "If you see an inmate  
8 in Medical, please document this on the shift  
9 report sheet as nurse sick call or NSC."

10 Do you see that?

11 A. Yes.

12 Q. Were you aware of those  
13 requirements?

14 A. Yes.

15 Q. And with respect to the 15-minute  
16 checks and constant watch, do AmeriCor nurses  
17 have the authority to implement those watches?

18 A. Yes.

19 Q. Under what circumstances?

20 A. If they evaluate an inmate and  
21 believe that he or she is a risk to themselves,  
22 they can institute a watch.

23 Q. On what do they base that, if  
24 anything?

25 A. Their general nursing assessment

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy

2 skills.

3 Q. Are they required to base it in any  
4 way on the Suicide Prevention Screening Form?

5 A. They can.

6 Q. Are they required to base it in any  
7 way on the incoming inmate's history of drug or  
8 alcohol use?

9 A. They can.

10 Q. Is there any type of written  
11 guideline or criteria, if you will, that a nurse  
12 is supposed to use in terms of the Suicide  
13 Prevention Screening Form when making a decision  
14 on the level of supervision?

15 A. I'd have to refer to the Policy  
16 Manual.

17 Q. You don't know, offhand?

18 A. No.

19 Q. And with respect to drug and alcohol  
20 use, are you aware of any guidelines or criteria  
21 that a nurse is provided with to make a  
22 determination as to the level of supervision?

23 A. Again, I'd have to look at the  
24 Policy Manual.

25 Q. Do you recall if, in connection with

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy

2 Spencer Sinkov's admission to the facility, if  
3 there was any shift report noting whether or not  
4 he was on 15-minute or constant watch?

5 A. No.

6 Q. Did you ever review any shift report  
7 from that day, which was May 20th, 2006?

8 A. I'm sure I did.

9 Q. Do you recall which nurse completed  
10 this shift report?

11 A. No.

12 Q. Do you recall who the intake nurse was?

13 A. No.

14 Q. Do you remember if it was Peter Clarke?

15 A. Yes. The intake nurse?

16 Q. Yes.

17 A. Yes.

18 Q. Did you ever see a shift report  
19 prepared by Peter Clarke for the May 19th to  
20 May 20th shift?

21 A. I'm sure I did.

22 MS. BERG: I'm going to call  
23 for the production of Clarke's  
24 shift report.

25 MR. COON: I'll take it

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy

2 under advisement.

3 DOCUMENT/DATA REQUESTED: \_\_\_\_\_

4 MS. BERG: May I have

5 marked as Exhibit 24 a copy of a  
6 November 27, 2006, memo from Rich  
7 to All Staff.

8 (Whereupon, one-page 11/27/06 memo  
9 from Rich to All Staff was marked as  
10 Plaintiff's Exhibit No. 24, for id.)

11 Q. Have you ever seen that memo from  
12 Rich to the staff?

13 A. I don't recall specifically seeing  
14 this one.

15 Q. Do you see at the bottom where it  
16 has a facsimile transmission, November 28, 2006,  
17 from AmeriCor, Inc., an (845) 226 number?

18 A. Yes.

19 Q. To the number, (1) (302) 366-1465?

20 A. Yes.

21 Q. Do you recognize the (302) phone  
22 number?

23 A. Yes.

24 Q. What is that?

25 A. It's my fax number.

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1 **Kevin Duffy**  
 01:42:04 2 Q. At AmeriCor?  
 01:42:05 3 A. Yes.  
 01:42:06 4 Q. Does that refresh your recollection  
 01:42:07 5 as to whether or not you ever saw this?  
 01:42:08 6 A. If it came in to 1465, I'm sure I  
 01:42:13 7 saw it. I don't recall this specific document.  
 01:42:16 8 Q. The fourth paragraph, it indicates  
 01:42:19 9 "Vital signs are to be done on all new inmates in  
 01:42:24 10 booking."  
 01:42:24 11 A. Yes.  
 01:42:28 12 Q. Is this the timing of when the  
 01:42:29 13 policy came into effect requiring vitals be done  
 01:42:30 14 within the four hours of intake?  
 01:42:34 15 A. Probably.  
 01:42:36 16 Q. Do you recall one way or the other?  
 01:42:37 17 A. No.  
 01:42:38 18 Q. It also says, "If there are any  
 01:42:41 19 concerns at booking related to mental health or  
 01:42:45 20 medical, let the shift sergeant know ASAP."  
 01:42:50 21 Do you see that?  
 01:42:50 22 A. Yes.  
 01:42:50 23 Q. Was that a new policy or procedure,  
 01:42:53 24 as far as you know?  
 01:42:54 25 A. No.

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1 **Kevin Duffy**  
 01:42:54 2 Q. That had always been in existence?  
 01:42:57 3 A. Yes.  
 01:43:01 4 Q. Are there any policies or procedures  
 01:43:01 5 with respect to when an inmate will be seen again  
 01:43:14 6 by nursing staff after the intake, after the  
 01:43:20 7 initial assessment?  
 01:43:22 8 A. Are you asking if there are specific  
 01:43:26 9 policies and procedures?  
 01:43:27 10 Q. Yes.  
 01:43:31 11 A. None that I recall specifically.  
 01:43:32 12 MS. BERG: I'm going to have  
 01:43:34 13 marked as Exhibit 25, a copy of  
 01:43:37 14 documents that were produced by  
 01:43:39 15 AmeriCor, Bates stamped 541 to 627.  
 01:43:50 16 (Whereupon, packet of AmeriCor-  
 01:43:54 17 produced documents was collectively marked  
 01:44:18 18 as Plaintiff's Exhibit No. 25, for id.)  
 01:44:30 19 Q. Just take a look, if you would, at  
 01:44:34 20 the pages that I had marked as Exhibit 25. The  
 01:44:38 21 first is Schedule A, the Putnam County insurance  
 01:44:46 22 requirements; and a few pages after that, the  
 01:44:46 23 certificates of insurance.  
 01:44:57 24 Do you see that?  
 01:44:57 25 A. Yes.

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1 **Kevin Duffy**  
 01:44:48 2 Q. Do you recall that you submitted  
 01:44:49 3 them to the county as part of the contract that  
 01:44:52 4 you entered into?  
 01:44:52 5 A. Yes.  
 01:44:52 6 Q. And at page Bates stamped 545,  
 01:45:01 7 Schedule A, Scope of Services --  
 01:45:05 8 A. Yes.  
 01:45:05 9 Q. Do you see that document?  
 01:45:06 10 A. Yes.  
 01:45:07 11 Q. Is that also something that you  
 01:45:08 12 submitted to the county, describing the services  
 01:45:11 13 that AmeriCor would provide as part of the  
 01:45:14 14 contract?  
 01:45:15 15 A. Yes.  
 01:45:16 16 Q. At the page which is Bates stamped  
 01:45:28 17 557, at the bottom --  
 01:45:32 18 MR. COON: Kim, can we just  
 01:45:33 19 back up because you said, is that  
 01:45:35 20 something he provided to the county  
 01:45:38 21 at the time of the contract?  
 01:45:38 22 MS. BERG: Right.  
 01:45:39 23 MR. COON: I think there's  
 01:45:40 24 addendums to it in this document,  
 01:45:41 25 in the exhibit, in the back.

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1 **Kevin Duffy**  
 01:45:41 2 MS. BERG: Okay.  
 01:45:42 3 MR. COON: So, I think that  
 01:45:45 4 that probably isn't accurate. You  
 01:45:47 5 may want to just ask him --  
 01:45:48 6 MS. BERG: Well, I meant,  
 01:45:50 7 really, just that outline.  
 01:45:51 8 MR. COON: Okay, sure. I  
 01:45:52 9 just think the question wasn't  
 01:45:53 10 clear. I'm just saying, looking  
 01:45:55 11 at the back, there's addendums.  
 01:45:57 12 MS. BERG: All right.  
 01:45:57 13 Q. Mr. Duffy, do you understand that  
 01:46:00 14 Exhibit 25 is a compilation of documents, not  
 01:46:03 15 just one? Is that fair to say?  
 01:46:04 16 A. Yes.  
 01:46:04 17 Q. And with respect to the Schedule A,  
 01:46:08 18 which starts at Page 545 -- it's a three-page  
 01:46:10 19 outline there.  
 01:46:13 20 Do you see that?  
 01:46:15 21 A. Yes.  
 01:46:16 22 Q. Did you submit that Scope-of- Services  
 01:46:18 23 outline to the County of Putnam?  
 01:46:19 24 A. Yes.  
 01:46:19 25 Q. And part of that included the page

COMPU-TRAN SHORTHAND REPORTING

Kevin Duffy

01:45:22 2 Bates stamped 557 to 558, regarding Receiving  
 01:45:29 3 Screening?  
 01:46:00 4 A. Okay.  
 01:46:00 5 Q. Correct?  
 01:46:30 6 A. You're asking if this is part of  
 01:46:34 7 what I submitted?  
 01:46:35 8 Q. Yes.  
 01:46:35 9 A. Yes.  
 01:46:36 10 Q. Was this part of the contract that  
 01:46:37 11 you entered into?  
 01:46:38 12 A. Yes.  
 01:46:39 13 Q. And in terms of the Receiving  
 01:46:42 14 Screening at the bottom of Page 557, it indicates  
 01:46:44 15 that "A registered nurse will then review these  
 01:46:48 16 forms and, as necessary, perform additional  
 01:46:54 17 evaluations and tuberculosis screening within  
 01:46:58 18 four hours."  
 01:46:58 19 Do you see that?  
 01:46:59 20 A. Yes.  
 01:46:59 21 Q. It then indicates, "The Receiving  
 01:47:02 22 Screening will, at minimum, include the  
 01:47:04 23 following:" And then, there are numbers one  
 01:47:05 24 through six.  
 01:47:07 25 A. Yes.

COMPU-TRAN SHORTHAND REPORTING

Kevin Duffy

01:47:07 2 Q. Are those receiving-screening  
 01:47:11 3 minimums done by the AmeriCor staff, the  
 01:47:15 4 corrections personnel, or both?  
 01:47:22 5 A. Both.  
 01:47:25 6 Q. With respect to number two:  
 01:47:24 7 "Behavior observations, including whether the  
 01:47:28 8 inmate is under the influence of alcohol or drugs  
 01:47:32 9 or in need of detoxification."  
 01:47:35 10 Do you see that?  
 01:47:38 11 A. I'm sorry. Where are you at?  
 01:47:37 12 Q. Number two, under the minimum.  
 01:47:39 13 A. Okay. And the question was?  
 01:47:43 14 Q. The question is, first, do you see  
 01:47:46 15 where I'm talking about?  
 01:47:48 16 A. Yes.  
 01:47:48 17 Q. And is the AmeriCor nursing staff  
 01:47:49 18 required to note what they observe and what they  
 01:47:53 19 learn with respect to inmates who are under the  
 01:47:55 20 influence of alcohol or drugs or in need of  
 01:47:56 21 detoxification?  
 01:47:57 22 A. Yes.  
 01:48:02 23 Q. Where do they note that?  
 01:48:04 24 A. If it cannot specifically be entered  
 01:48:10 25 on the form, then it would be in the Progress

COMPU-TRAN SHORTHAND REPORTING

Kevin Duffy

01:48:12 2 Note that we discussed earlier.  
 01:48:13 3 Q. If it is entered on the form, are  
 01:48:15 4 they required to repeat any of that information  
 01:48:18 5 in the Progress Note?  
 01:48:20 6 A. If clarification or additional  
 01:48:27 7 information is required, it would be in the  
 01:48:32 8 Progress Note.  
 01:48:33 9 Q. The next paragraph, which starts, "A  
 01:48:34 10 registered nurse will promptly review..."  
 01:48:36 11 Do you see that paragraph?  
 01:48:38 12 A. Yes.  
 01:48:39 13 Q. "Any..." I'm going to read from it:  
 01:48:45 14 "Any inmate with a mental-health condition will  
 01:48:48 15 be referred to mental-health personnel for  
 01:48:51 16 evaluation and treatment. Inmates that receive a  
 01:48:54 17 suicide screen score of eight or higher, or who  
 01:48:57 18 answer yes to questions one, eight, nine, 10B,  
 01:49:05 19 11, or 16B, will be referred to mental-health  
 01:49:11 20 staff for further evaluation."  
 01:49:13 21 Do you see that?  
 01:49:13 22 A. Yes.  
 01:49:14 23 Q. When is the mental-health staff  
 01:49:16 24 required to refer inmates who have met those  
 01:49:21 25 criteria to mental health?

COMPU-TRAN SHORTHAND REPORTING

Kevin Duffy

01:49:24 2 MR. COON: Objection to the  
 01:49:25 3 form.  
 01:49:25 4 A. You mean, when are the nursing staff  
 01:49:27 5 required?  
 01:49:28 6 Q. Yes; I think I screwed that up,  
 01:49:30 7 didn't I?  
 01:49:30 8 When are the nursing staff required  
 01:49:32 9 to refer an inmate, who meets that criteria, to  
 01:49:37 10 mental-health staff? Is that done at intake?  
 01:49:40 11 A. They, generally, would make the  
 01:49:42 12 referral at the time that they reviewed the  
 01:49:45 13 documents.  
 01:49:49 14 Q. So, that would be within the four  
 01:49:50 15 hours of intake?  
 01:49:51 16 A. Yes.  
 01:49:51 17 Q. And are you familiar at all with the  
 01:49:55 18 mental-health form which has been cut off but  
 01:49:56 19 appears to say "Routing Sheet" at the top?  
 01:50:00 20 A. Yes.  
 01:50:01 21 Q. Is that a form that AmeriCor nurses  
 01:50:03 22 would complete to refer somebody for mental-  
 01:50:07 23 health assessment or evaluation?  
 01:50:08 24 A. Yes.  
 01:50:08 25 Q. And did you ever see any such form

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy.  
 2 created by Peter Clarke with respect to  
 3 Spencer Sinkov?  
 4 A. Not that I recall.  
 5 Q. Take a look, if you would, at  
 6 Exhibit 3, the suicide screening for Mr. Sinkov.  
 7 It's probably on the bottom of that pile there.  
 8 A. Here it is. Okay.  
 9 Q. He scored eight or higher. In fact,  
 10 he had a total of ten.  
 11 Do you see that?  
 12 A. Yes.  
 13 Q. And in terms of the yes questions,  
 14 he answered yes to some of the ones noted in the  
 15 AmeriCor services agreement, those that are in  
 16 the shaded boxes.  
 17 Do you see that?  
 18 A. Yes.  
 19 Q. In fact, he had three shaded boxes  
 20 checked off in the "Yes" column.  
 21 A. Yes.  
 22 Q. Under those circumstances, was Peter  
 23 Clarke required to refer Spencer Sinkov for a  
 24 mental-health evaluation?  
 25 A. Technically, yes.

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 2 Q. What does that mean?  
 3 A. Well, that means, if, after having  
 4 reviewed the document, that he did not agree with  
 5 some of the answers that were checked "Yes" if  
 6 that had the effect of lowering the total score  
 7 or eliminating some of these special questions,  
 8 he could, based on his nursing assessment, elect  
 9 not to make the referral.  
 10 Q. And did you ever receive any  
 11 information, prior to right now, that would  
 12 indicate to you that Peter Clarke formed the  
 13 opinion that the total score or the shaded boxes  
 14 were inaccurately or inappropriately noted on  
 15 Exhibit 3?  
 16 A. The general answer to your question  
 17 is, yes. And the specific answer to your  
 18 question is, no.  
 19 Q. What does that mean?  
 20 A. That means that based on my  
 21 understanding of Peter's review of the case, that  
 22 Peter did not believe that Mr. Sinkov was a  
 23 danger to himself.  
 24 Q. What do you base your understanding  
 25 on?

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 2 A. My conversations with Peter.  
 3 Q. Well, what did he tell you?  
 4 A. He told me that Mr. Sinkov was alert  
 5 and responsive and conversing with, and joking  
 6 with, the people in the unit.  
 7 Q. Did he tell you anything else about  
 8 Spencer?  
 9 A. As I recall, he told me that he  
 10 wasn't aware that Mr. Sinkov, at the time that he  
 11 originally saw him, was an inmate.  
 12 Q. Did he tell you anything else?  
 13 A. Not that I recall specifically.  
 14 Q. At the Bates stamped Pages 558 --  
 15 let me back up for a second. Sorry.  
 16 Did Peter Clarke ever tell you that  
 17 any of the answers on the form, he believed  
 18 should have been changed?  
 19 A. Not that I recall.  
 20 Q. Go back to Bates stamp 558, which is  
 21 the portion I just read to you: "Inmates that  
 22 receive a suicide screen score of eight or  
 23 higher, or who answer "Yes" to those questions,  
 24 will be referred to mental-health staff for  
 25 further evaluation."

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 2 There's nothing in there that leaves  
 3 any discretion to the nurse to vary from that, is  
 4 there?  
 5 A. No.  
 6 Q. Did you ever have any conversations  
 7 with Peter Clarke about whether or not he had  
 8 information about Spencer using heroin?  
 9 A. Not that I recall.  
 10 Q. Did you ever come to learn, as noted  
 11 in Exhibit 5, that Susan Waters completed a  
 12 Mental-Health Referral Routing Sheet for  
 13 Spencer Sinkov and wrote under --  
 14 A. I'm sorry. Wait a minute. Where is  
 15 Exhibit 5?  
 16 Q. I have it right here. I'll show it  
 17 to you.  
 18 A. Oh, okay. I'm sorry. Go ahead.  
 19 Q. She wrote under "Observations:"  
 20 "History of substance abuse and family problems."  
 21 (Handing)  
 22 A. (Witness peruses document) Okay.  
 23 Q. Were you aware of that?  
 24 A. Was I aware of this document?  
 25 Q. Yes.

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 01:55:50 2 A. If it was part of the chart, I'm  
 01:56:00 3 sure I've seen it.  
 01:56:05 4 Q. Do you recall if you've seen it  
 01:56:10 5 before today?  
 01:56:15 6 A. Not specifically.  
 01:56:20 7 Q. Do you have any idea when Susan Waters  
 01:56:25 8 completed that?  
 01:56:30 9 A. No.  
 01:56:35 10 Q. And there's no time noted on that  
 01:56:40 11 document, is there?  
 01:56:45 12 A. Not that I see, no.  
 01:56:50 13 Q. And with respect to Ms. Waters, do  
 01:56:55 14 you understand that she came on the shift after  
 01:57:00 15 Peter Clarke's shift ended?  
 01:57:05 16 A. Yes.  
 01:57:10 17 Q. And did you ever speak with  
 01:57:15 18 Ms. Waters as to the basis for her conclusion or  
 01:57:20 19 observation that Spencer had a history of  
 01:57:25 20 substance abuse?  
 01:57:30 21 A. If I did, I don't recall it.  
 01:57:35 22 Q. Do you recall if you had any  
 01:57:40 23 conversations with her about anything pertaining  
 01:57:45 24 to family problems Spencer may have had?  
 01:57:50 25 A. No.

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 01:58:00 2 Q. Did you ever speak with anybody  
 01:58:05 3 about -- including Waters -- why it was that  
 01:58:10 4 Waters completed a Mental Health Referral Sheet?  
 01:58:15 5 A. I don't recall discussing it with  
 01:58:20 6 her, no.  
 01:58:25 7 Q. Did you ever inquire of anyone why  
 01:58:30 8 Waters would have completed a Mental Health  
 01:58:35 9 Referral Sheet on her shift, but Peter Clarke did  
 01:58:40 10 not complete one on his?  
 01:58:45 11 A. No.  
 01:58:50 12 Q. Did you ever speak with Waters about  
 01:58:55 13 whether or not she reviewed Spencer's suicide  
 01:59:00 14 screening form?  
 01:59:05 15 A. Not specifically.  
 01:59:10 16 Q. On the form, the suicide screening  
 01:59:15 17 form, itself, Exhibit 3, at the bottom, there's a  
 01:59:20 18 section for mental health referral.  
 01:59:25 19 Do you see that?  
 01:59:30 20 A. Yes.  
 01:59:35 21 Q. And that part is blank; correct?  
 01:59:40 22 A. Yes.  
 01:59:45 23 Q. Do you know who is supposed to fill  
 01:59:50 24 that out, whether it's nursing staff, correction  
 01:59:55 25 staff, both?

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 01:58:24 2 A. It says "Action to be taken by  
 01:58:27 3 screening officer."  
 01:58:30 4 Q. Who is the screening officer?  
 01:58:35 5 A. The correctional officer, who did  
 01:58:40 6 the booking.  
 01:58:45 7 Q. It wouldn't be the nursing staff?  
 01:58:50 8 A. Nurses are not correctional  
 01:58:55 9 officers, no.  
 01:59:00 10 Q. But are nursing staff considered to  
 01:59:05 11 be screening officers?  
 01:59:10 12 A. No.  
 01:59:15 13 Q. At the bottom of the form, Exhibit 3,  
 01:59:20 14 it has, "Medical staff and/or mental-health  
 01:59:25 15 provider actions."  
 01:59:30 16 A. Yes.  
 01:59:35 17 Q. That portion is blank, also; correct?  
 01:59:40 18 A. Aside from the exhibit stamp, yes.  
 01:59:45 19 Q. And with respect to that area, is it  
 01:59:50 20 nursing staff, AmeriCor nursing staff, that's  
 01:59:55 21 supposed to complete that?  
 02:00:00 22 A. While they wouldn't necessarily  
 02:00:05 23 complete this portion of it, we discussed their  
 02:00:10 24 entries in the Progress Notes and so forth.  
 02:00:15 25 Their actions might be in there.

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 01:59:24 2 Q. So they wouldn't, under any  
 01:59:27 3 circumstances, fill out the bottom of Exhibit 3  
 01:59:30 4 for the medical staff actions?  
 01:59:35 5 A. I didn't say that.  
 01:59:40 6 Q. Do they in practice?  
 01:59:45 7 A. But typically what would happen  
 01:59:50 8 would be, they would review this form and then  
 01:59:55 9 they would document their actions in the Progress  
 02:00:00 10 Notes.  
 02:00:05 11 Q. Is there any requirement for a  
 02:00:10 12 nurse, who comes on shift after an Intake is  
 02:00:15 13 completed, to review the new inmate's medical  
 02:00:20 14 packet, including the screening?  
 02:00:25 15 A. There's no requirement if the inmate  
 02:00:30 16 was screened on a shift prior to hers.  
 02:00:35 17 Q. Are you aware of any policies that  
 02:00:40 18 the Putnam County Correctional Facility has with  
 02:00:45 19 respect to what to do when inmates score eight or  
 02:00:50 20 higher on the Suicide Prevention Screening Form?  
 02:00:55 21 A. Am I aware of what's in the facility  
 02:01:00 22 manual?  
 02:01:05 23 Q. Yes.  
 02:01:10 24 A. Not specifically.  
 02:01:15 25 Q. Have you ever had any conversations

COMPU-TRAN SHORTHAND REPORTING



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1 Kevin Duffy  
 2 with anyone about what the Putnam County  
 3 Correctional Facility regs provide?  
 4 A. In the course of five years, I'm  
 5 sure I must've. I don't recall any specifics.  
 6 Q. Did you ever speak with anybody, in  
 7 connection with Spencer Sinkov's death, about  
 8 what regulations, if any, Putnam County  
 9 Correctional Facility officers were supposed to  
 10 follow?  
 11 A. I'm sure, as a matter of general  
 12 review, the answer to that would be, yes.  
 13 Q. Do you recall, though, as you sit  
 14 here today, actually doing that?  
 15 A. I remember that there were some  
 16 discussions following Mr. Sinkov's death, where  
 17 the matter was reviewed. I don't recall  
 18 specifics - dates and names and that kind of  
 19 stuff.  
 20 Q. Did you ever speak with Sheriff  
 21 Donald Smith at any point in time about  
 22 Spencer Sinkov?  
 23 A. Oh, I'm sure I did.  
 24 Q. Do you recall doing so as you sit  
 25 here today?

COMPU-TRAN SHORTHAND REPORTING

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1 Kevin Duffy  
 2 A. Again, there were meetings following  
 3 Mr. Sinkov's death. I don't recall which ones  
 4 the sheriff was part of and which ones he wasn't.  
 5 Q. Who else attended those meetings?  
 6 A. Probably Captain Robert LeFever, L-e  
 7 F-e-v-e-r, with a capital F. And at that point  
 8 in time, possibly Lieutenant Patrick O'Malley,  
 9 O-m-a-l-l-e-y.  
 10 Q. Anyone else who attended these  
 11 meetings?  
 12 A. The health-services administrator  
 13 would have been involved.  
 14 Q. Was that Mr. DiMattio?  
 15 A. Yes. And there may have been an  
 16 administrative sergeant, and I don't know who  
 17 that would be.  
 18 Q. How many such meetings did you  
 19 attend?  
 20 A. I -- I don't recall.  
 21 Q. Can you recall anything about the  
 22 dates of the meetings?  
 23 A. No.  
 24 Q. Do you have any documents that would  
 25 refresh your recollection?

COMPU-TRAN SHORTHAND REPORTING

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1 Kevin Duffy  
 2 A. I could look.  
 3 MS. BERG: Okay. I call for  
 4 the production of any documents that  
 5 would reflect the dates of the  
 6 meetings.  
 7 MR. COON: I'll take it  
 8 under advisement.  
 9 DOCUMENT/DATA REQUESTED:  
 10 Q. Can you, in your mind, separate out  
 11 what was discussed at the first meeting versus  
 12 any of the other meetings, or does it blur  
 13 together?  
 14 A. No. I'm sorry. The meetings just  
 15 kind of run together.  
 16 Q. In substance, what was discussed at  
 17 the meetings?  
 18 A. Generally, it was the circumstances  
 19 of the death and who was involved. Those sorts  
 20 of things.  
 21 Q. Do you recall anything that you  
 22 said, commented on?  
 23 A. No.  
 24 Q. Do you recall anything that Smith  
 25 said?

COMPU-TRAN SHORTHAND REPORTING

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1 Kevin Duffy  
 2 A. Sheriff Smith? No.  
 3 Q. Do you recall anything that LeFever  
 4 said?  
 5 A. No.  
 6 Q. Anything O'Malley said?  
 7 A. No.  
 8 Q. Anything DiMattio said?  
 9 A. No.  
 10 Q. Do you recall anything more  
 11 specific, other than what you've just told us;  
 12 namely, that it was about the circumstances of  
 13 his death and who was involved?  
 14 A. No.  
 15 Q. Do you recall if particular names  
 16 were given as to who was involved?  
 17 A. Well, I know that as a matter of  
 18 record, that our staff involved Peter Clarke and  
 19 Susan Waters.  
 20 Q. Do you recall anything that you or  
 21 DiMattio said about Waters?  
 22 A. Again, it was just a general review  
 23 of what happened.  
 24 Q. Did you review documents during the  
 25 meetings?

COMPU-TRAN SHORTHAND REPORTING

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1 **Kevin Duff,**  
 02:04:45 2 **A. No. I think I conducted a review of**  
 02:04:52 3 **the medical record at the office.**  
 10 4 **Q. Did you have any outcome to the**  
 14 5 **meetings, any conclusions being reached; anything**  
 02:05:08 6 **like that?**  
 02:05:07 7 **A. Not as a result of those meetings,**  
 02:05:17 8 **not specifically, no.**  
 02:05:13 9 **Q. How about as a result of anything**  
 02:05:19 10 **else?**  
 02:05:20 11 **A. Well, as I recall, we initiated the**  
 02:05:25 12 **collection of vital signs on all new commitments**  
 02:05:33 13 **as a result of the report from the State**  
 02:05:42 14 **Commission.**  
 02:05:44 15 **Q. Anything else that you can recall**  
 02:05:47 16 **doing as a result of your review or these**  
 02:05:54 17 **meetings pertaining to Spencer?**  
 02:05:54 18 **A. Not specifically.**  
 02:05:57 19 **Q. Were you aware of any standards,**  
 02:06:01 20 **either nationally or New York State, which**  
 02:06:07 21 **required nursing staff to take vital signs within**  
 02:06:11 22 **a certain amount of time of a new inmate coming**  
 02:06:14 23 **into the facility?**  
 02:06:15 24 **A. No.**  
 02:06:15 25 **Q. Were any of AmeriCor's employees**  
**COMPU-TRAN SHORTHAND REPORTING**

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1 **Kevin Duffy**  
 02:06:28 2 **counselled or disciplined in any way for their**  
 02:06:30 3 **conduct or their lack thereof pertaining to**  
 02:06:35 4 **Spencer Sinkov or the events of May 20th?**  
 02:06:41 5 **A. Not that I recall.**  
 02:06:48 6 **Q. Did you ever see Exhibit 2, which**  
 02:06:50 7 **are regulations from the Putnam County**  
 02:06:57 8 **Correctional Facility? (Handing)**  
 02:07:17 9 **A. Is this part of the handbook that**  
 02:07:19 10 **you gave me earlier?**  
 02:07:21 11 **Q. No.**  
 02:07:24 12 **A. I don't recall seeing this before.**  
 02:07:25 13 **Q. If I could just point your attention**  
 02:07:36 14 **to the second page, the top of the page, letter B**  
 02:07:42 15 **refers to the administration of Suicide**  
 02:07:47 16 **Prevention Screening Guidelines Form 330 ADM.**  
 02:07:49 17 **Do you see that?**  
 02:07:50 18 **A. Yes.**  
 02:07:50 19 **Q. Did you ever have any discussions**  
 02:08:15 20 **with anybody about the suicide screening form**  
 02:08:20 21 **that Putnam County used at intake in comparison**  
 22 **to the ADM 330?**  
 02:08:28 23 **A. Not that I recall.**  
 02:08:30 24 **Q. Did anybody ever indicate to you, in**  
 02:08:32 25 **words or in substance, any reason why Putnam**  
**COMPU-TRAN SHORTHAND REPORTING**

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1 **Kevin Duffy**  
 02:08:35 2 **County's regulations refer to form 330 ADM, but**  
 02:08:39 3 **it's not used in the facility?**  
 02:08:41 4 **A. No.**  
 02:08:44 5 **Q. Are you aware of any policies or**  
 02:08:55 6 **procedures that AmeriCor has with respect to**  
 02:08:55 7 **providing medication or other detox-type**  
 02:09:00 8 **procedures for inmates who come into the**  
 02:09:08 9 **facility, having used drugs or alcohol?**  
 02:09:11 10 **A. There are policies and procedures.**  
 02:09:15 11 **I don't recall specifically which ones.**  
 02:09:17 12 **Q. Do you recall anything about what**  
 02:09:18 13 **they provide?**  
 02:09:19 14 **A. Well, as I mentioned earlier, if an**  
 02:09:26 15 **inmate comes in on medications, we attempt to**  
 02:09:29 16 **verify them and continue them in order to ensure**  
 02:09:36 17 **continuity of care.**  
 02:09:37 18 **Q. Did anybody ever discuss with you**  
 02:09:39 19 **any medications that Spencer Sinkov was taking?**  
 02:09:41 20 **A. Not that I recall.**  
 02:09:43 21 **Q. Are there any policies or procedures**  
 02:09:49 22 **by AmeriCor which require nursing staff to,**  
 02:09:55 23 **themselves, monitor someone who comes in, having**  
 02:09:56 24 **utilized drugs or alcohol?**  
 02:10:00 25 **A. I'm sorry. Again?**  
**COMPU-TRAN SHORTHAND REPORTING**

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1 **Kevin Duffy**  
 02:10:00 2 **Q. Let's assume an inmate comes into**  
 02:10:12 3 **the facility and reports on the medical**  
 02:10:15 4 **screening, a history of drug abuse.**  
 02:10:18 5 **A. Right.**  
 02:10:19 6 **Q. Are there any policies or procedures**  
 02:10:19 7 **that AmeriCor's staff are required to follow**  
 02:10:25 8 **which provide for them to monitor that inmate?**  
 02:10:31 9 **For example, to see if they're showing any signs**  
 02:10:33 10 **of withdrawal?**  
 02:10:34 11 **A. Yes.**  
 02:10:36 12 **Q. What are those policies?**  
 02:10:36 13 **A. There are policies and procedures**  
 02:10:43 14 **that address when an inmate is demonstrating**  
 02:10:51 15 **signs and symptoms of drug withdrawal. There's a**  
 02:10:56 16 **drug and alcohol withdrawal flow sheet, for**  
 02:11:04 17 **example.**  
 02:11:04 18 **Q. And that would be if an AmeriCor**  
 02:11:07 19 **staff person observed signs and symptoms of an**  
 02:11:11 20 **inmate having withdrawal?**  
 02:11:12 21 **A. Yes.**  
 02:11:13 22 **Q. How about prior to that? In other**  
 02:11:15 23 **words, if an inmate comes into the facility and**  
 02:11:17 24 **reports a history of drug use without showing any**  
 02:11:20 25 **signs or symptoms at this point, are AmeriCor**  
**COMPU-TRAN SHORTHAND REPORTING**

1 **Kevin Duffy**  
 02:11:22 2 staff required to follow up or monitor that  
 02:11:25 3 inmate?  
 02:11:25 4 **A. Depending on what they see**  
 02:11:26 5 **physically and what they -- the level of**  
 02:11:26 6 **truthfulness that they assess the inmate at, yes.**  
 02:11:34 7 **Q. What form would that monitoring or**  
 02:11:34 8 **follow up take? Is it a physical viewing of the**  
 02:11:36 9 **inmate and a medical evaluation? Something else?**  
 02:12:01 10 **A. It could be visual. It could be the**  
 02:12:07 11 **withdrawal protocol that I mentioned. It could**  
 02:12:09 12 **be a referral to the physician. It depends on**  
 02:12:12 13 **what the clinician sees.**  
 02:12:15 14 **Q. And that would be in the discretion**  
 02:12:19 15 **of the nurse?**  
 02:12:19 16 **A. Yes.**  
 02:12:20 17 **Q. Are you aware of any AmeriCor**  
 02:12:25 18 **policies or procedures with respect to drug**  
 02:12:27 19 **withdrawal, alcohol withdrawal, which indicate**  
 02:12:30 20 **that symptoms do not appear sometimes for 24 to**  
 02:12:34 21 **72 hours?**  
 02:12:34 22 **A. I'm sure that's part of the**  
 02:12:38 23 **documents.**  
 02:12:38 24 **Q. So, are there any policies or**  
 02:12:41 25 **procedures which would require an AmeriCor nurse**  
**COMPU-TRAN SHORTHAND REPORTING**

1 **Kevin Duffy**  
 02:12:44 2 to go back within that period of time, within 24,  
 02:12:48 3 say, 48, 72 hours, to see if any signs or  
 02:12:53 4 symptoms of withdrawal are showing up?  
 02:13:00 5 **A. I don't recall that it addresses**  
 02:13:03 6 **specific requirements; but if that were the case,**  
 02:13:12 7 **the inmate would advise either the correctional**  
 02:13:17 8 **or the nursing staff, and it would be followed up**  
 02:13:21 9 **from there.**  
 02:13:25 10 **Q. Take a look, if you would, at**  
 02:13:25 11 **Exhibit 25.**  
 02:13:29 12 **A. Okay.**  
 02:13:29 13 **Q. The Bates stamped Page 561, the**  
 02:13:33 14 **bottom. "Detoxification" is the section.**  
 02:13:39 15 **A. Okay.**  
 02:13:39 16 **Q. It refers to a medical detoxification**  
 02:13:45 17 **program conforming to the national standards.**  
 02:13:48 18 **Do you see that?**  
 02:13:49 19 **A. Yes.**  
 02:13:50 20 **Q. Was such a program ever put in**  
 02:13:52 21 **place?**  
 02:13:52 22 **A. Yes.**  
 02:13:52 23 **Q. When?**  
 02:13:52 24 **A. Probably at the beginning of the**  
 02:13:57 25 **contract.**  
**COMPU-TRAN SHORTHAND REPORTING**

1 **Kevin Duffy**  
 02:13:57 2 **Q. Do you recall?**  
 02:13:58 3 **A. Specifically, I don't recall when.**  
 02:14:01 4 **Q. Other than the Drug and Alcohol Flow**  
 02:14:05 5 **Sheet, are there any other components to the**  
 02:14:07 6 **program?**  
 02:14:07 7 **A. Yes.**  
 02:14:08 8 **Q. What are they?**  
 02:14:09 9 **A. The procedures are specific for the**  
 02:14:16 10 **type of substance abuse - narcotics, alcohol,**  
 02:14:21 11 **cocaine; those types of things.**  
 02:14:25 12 **Q. In terms of what medications will be**  
 02:14:30 13 **administered?**  
 02:14:31 14 **A. Well, they're specific to the**  
 02:14:35 15 **substance being abused. I mean, there's no**  
 02:14:42 16 **blanket treatment.**  
 02:14:45 17 **Q. In terms of, though, the specific**  
 02:14:48 18 **substance, do the procedures set forth what type**  
 02:14:47 19 **of detoxification medication should be used for,**  
 02:14:51 20 **let's say, heroin?**  
 02:14:52 21 **A. Well, that determination is made by**  
 02:14:53 22 **the physician. But the policy does address it,**  
 02:15:02 23 **or the procedure does address that, variations in**  
 02:15:05 24 **the treatment methods.**  
 02:15:07 25 **Q. And do AmeriCor nursing staff**  
**COMPU-TRAN SHORTHAND REPORTING**

1 **Kevin Duffy**  
 02:15:08 2 contact the physician if they believe that  
 02:15:12 3 they -- an inmate is in need of some type of  
 02:15:15 4 medication for withdrawal?  
 02:15:18 5 **A. Yes.**  
 02:15:16 6 **Q. That's something that they're**  
 02:15:18 7 **required to do by reason of policy, correct?**  
 02:15:22 8 **A. Yes.**  
 02:15:22 9 **Q. Are you familiar with Methadone at**  
 02:15:25 10 **all?**  
 02:15:25 11 **A. Yes.**  
 02:15:27 12 **Q. Are there any policies that you're**  
 02:15:30 13 **aware of pertaining to AmeriCor or Putnam County,**  
 02:15:33 14 **which indicate that Methadone will not be used in**  
 02:15:40 15 **the facility?**  
 02:15:41 16 **A. I don't believe that there are any**  
 02:15:45 17 **specific policies or procedures that say that**  
 02:15:50 18 **Methadone will not be used.**  
 02:15:51 19 **Q. Again, under the "Detoxification"**  
 02:15:55 20 **section Bates stamped 561, the next sentence:**  
 02:15:58 21 **"Inmates will initially be screened during the**  
 02:16:01 22 **Receiving Screening process."**  
 02:16:03 23 **Do you see that?**  
 02:16:04 24 **A. Wait a minute. We're on 561?**  
 02:16:04 25 **MR. COON: Right here.**  
**COMPU-TRAN SHORTHAND REPORTING**

1 Kevin Duffy  
 02:16:05 2 (Indicating)  
 02:16:10 3 A. Okay. Yes.  
 02:16:15 4 Q. And is that screening done by a  
 02:16:20 5 nurse?  
 02:16:25 6 A. It's part of the Receiving Screening  
 02:16:30 7 done by the correctional officer.  
 02:16:35 8 Q. So, it's just what's contained on  
 02:16:40 9 the form?  
 02:16:45 10 A. Yes.  
 02:16:50 11 Q. Then, it says, "An additional  
 02:16:55 12 evaluation for their use of, or dependence on  
 02:17:00 13 drugs and/or alcohol will be performed when the  
 02:17:05 14 physical exam is completed."  
 02:17:10 15 A. Yes.  
 02:17:15 16 Q. What is the physical exam that's  
 02:17:20 17 referred to there?  
 02:17:25 18 A. That's the 14-day history and  
 02:17:30 19 physical.  
 02:17:35 20 Q. So, that would occur within 14 days  
 02:17:40 21 of admission?  
 02:17:45 22 A. Yes.  
 02:17:50 23 Q. And who does that?  
 02:17:55 24 A. It's done by a nurse and reviewed by  
 02:18:00 25 the physician.

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 02:18:05 2 Q. It says, "Nurses will record vital  
 02:18:10 3 signs, record any symptoms or signs of  
 02:18:15 4 dependence; and as needed, contact the physician  
 02:18:20 5 for individual orders." Correct?  
 02:18:25 6 A. Yes.  
 02:18:30 7 Q. When you say in this document,  
 02:18:35 8 "Nurses will record vital signs," when is that  
 02:18:40 9 recording supposed to be done?  
 02:18:45 10 A. During the physical exam.  
 02:18:50 11 Q. So, that's the one within 14 days?  
 02:18:55 12 A. Yes.  
 02:19:00 13 Q. And in terms of symptoms or signs of  
 02:19:05 14 dependence, that would be within the 14 -- at the  
 02:19:10 15 time of the 14-day history and physical?  
 02:19:15 16 A. That would be part of the history  
 02:19:20 17 and physical, yes.  
 02:19:25 18 Q. Well, at any other point in time,  
 02:19:30 19 would they be recording any symptoms or signs of  
 02:19:35 20 dependence?  
 02:19:40 21 A. Well, if an inmate were  
 02:19:45 22 demonstrating signs of withdrawal prior to that,  
 02:19:50 23 it would appear in the record.  
 02:19:55 24 Q. How would a nurse know that, if they  
 02:20:00 25 don't do the exam within, say, the first 72 hours?

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 02:17:05 2 A. Well, if an inmate reports having  
 02:17:10 3 symptoms, or if an officer reports seeing  
 02:17:15 4 symptoms; or in the case of a nurse having  
 02:17:20 5 contact with the inmate for any reason, if he or  
 02:17:25 6 she saw the symptoms.  
 02:17:30 7 Q. But the nurse isn't required to go  
 02:17:35 8 back, let's say, and periodically check on an  
 02:17:40 9 inmate who comes in with a known drug-use  
 02:17:45 10 history?  
 02:17:50 11 A. Well, the system is set up so that  
 02:17:55 12 the inmate is evaluated at the time of booking.  
 02:18:00 13 But then the inmate also has 24-hour-a-day access  
 02:18:05 14 to medical. All he or she has to do is say  
 02:18:10 15 something to the officer. The officer would then  
 02:18:15 16 report it to the nurse, and the nurse would  
 02:18:20 17 follow up.  
 02:18:25 18 Q. Do you know if inmates are, as a  
 02:18:30 19 matter of routine, advised of their rights to  
 02:18:35 20 seek any kind of medical treatment?  
 02:18:40 21 A. They're advised at the time of  
 02:18:45 22 booking, yes.  
 02:18:50 23 Q. Who advises them?  
 02:18:55 24 A. Either the officer or the nurse who  
 02:19:00 25 sees them.

COMPU-TRAN SHORTHAND REPORTING

1 Kevin Duffy  
 02:19:05 2 Q. Do you know for sure?  
 02:19:10 3 A. Do I know for sure which one?  
 02:19:15 4 Q. Yes.  
 02:19:20 5 A. No.  
 02:19:25 6 Q. The bottom of Page 561: "Individuals  
 02:19:30 7 at risk for progression to more severe levels of  
 02:19:35 8 withdrawal, will be under constant observation by  
 02:19:40 9 correctional officers."  
 02:19:45 10 Do you see that?  
 02:19:50 11 A. Yes.  
 02:19:55 12 Q. Was that actually ever a policy that  
 02:20:00 13 was implemented for AmeriCor nursing staff?  
 02:20:05 14 MR. COON: Objection to form,  
 02:20:10 15 but you can answer it.  
 02:20:15 16 A. It's addressed in the policies and  
 02:20:20 17 procedures that we discussed earlier about  
 02:20:25 18 withdrawal, and the flow sheet, and so forth.  
 02:20:30 19 Q. And do you believe that the policies  
 02:20:35 20 and procedures provide for constant supervision?  
 02:20:40 21 A. By the correctional staff?  
 02:20:45 22 Q. Yes.  
 02:20:50 23 A. Yes.  
 02:20:55 24 Q. Are you aware of any policies or  
 02:21:00 25 procedures the correctional staff is required to

COMPU-TRAN SHORTHAND REPORTING